

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

V.

CRIMINAL CASE NO: 05-162

JAMES HOGELAND

**SUPPLEMENTAL MOTION FOR SENTENCE REDUCTION PURSUANT TO
3582(C)(1)(A)**

Now comes, James Hogeland (Pro-se) requesting that the Court reduce his sentence to a term of less than 50 years imprisonment. In this motion, Mr. Hogeland presents with clarity, the arguments which he relies on for a sentence reduction.¹ Mr. Hogeland submits that his *COVID-19 Concerns, and his Extraordinary Rehabilitation and Exemplary Prison Record, when viewed in combination with the Harsh Prison Conditions, the Lengthy Sentence he Received For Exercising his Right to Trial, the Disparity Between Mr. Hogeland's Actual Sentence and Sentence he may Have Received if First Step Act Applied, and the Sentence Disparity that Exists Today, extraordinary and compelling reasons exist to grant Mr. Hogeland's motion for a sentence reduction – even to time served.*²

Beyond the amount of time served, COVID-19 concerns, harsh prison conditions, trial penalty, the enhanced sentenced he received due to 851 penalties, and sentence disparity, it is Mr. Hogeland's *transformation* while in custody that makes his case extraordinary and compelling, and makes it clear that 50 years imprisonment is unnecessary at this point.

¹ Certified Paralegal, Mr. Noel Delarosa, assisted Mr. Hogeland in preparing this motion. ² Mr. Hogeland has served 17 years without adding Good Time Credit, and 20 years after adding Good Time Credit. Mr. Hogeland will turn 60 years old on Dec. 28. With Good Time Credit, Mr. Hogeland's release date is scheduled for 2/21/2047. Without Good Time Credit, his release date is scheduled for 2054. See: Ex A-1 (Computation Sheet). Note: Mr. Hogeland re-submits the same exhibits referenced in his first motion but in a different format along with new additional exhibits.

I. Background:

On March 22, 2005, Mr. Hogeland was indicted in the Eastern District of Pennsylvania on Eight Counts: Count One; possessing methamphetamine with intent to distribute, 21 U.S.C. 841(a)(1); Counts Two and Three; possessing a firearm in furtherance of a drug trafficking crime, 18 U.S.C. 924(c); Count Four; possession of a firearm by a felon, 18 U.S.C. 922(g)(1); Counts Five, Six and Seven; possession of an unregistered firearm, 26 U.S.C. 5861(d) and Count Eight; possession of a firearm with an obliterated serial number, 18 U.S.C. 922(k). On August 22, 2006, a superseding indictment was issued restating the charges and adding Count One – that Mr. Hogeland possessed 50 grams or more of methamphetamine (actual) with intent to distribute.

On September 12, 2006, Mr. Hogeland pled guilty to Counts One, Two and Four through Eight of the original indictment. Before sentencing, the Court allowed Mr. Hogeland to withdraw his guilty plea in its entirety because the plea agreement was not sufficiently definite. On October 25, 2007, after a three day trial by jury, Mr. Hogeland was found guilty on all Eight Counts of the *superseding indictment*. On April 22, 2008, the Court imposed an aggregated mandatory minimum sentence of 600 months imprisonment.

On August 24, 2020, Mr. Hogeland submitted a BP-8 administrative remedy form requesting that the warden at FCI Fairton grant him compassionate release, along with his “motion to modify sentence pursuant to 18 U.S.C. 3582(C)(1)(A) to the Court.³ On September 1, 2020, the government filed its response arguing that Mr. Hogeland did not exhaust an administrative request for relief as required. On September 10, 2020, Mr. Hogeland, submitted the same BP-8 form to the warden at FCI Fairton requesting compassionate release. On October 15, 2020, Mr. Hogeland, re-submitted the same BP-8 form along with his “motion to modify sentence pursuant to 18 U.S.C. 3582(C)(1)(A) to the Court. On November 9, 2020, the government responded to Mr. Hogeland’s “motion to modify sentence pursuant to 18 U.S.C. 3582(C)(1)(A).” Thereafter, the Court appointed counsel from the public defender’s office to represent Mr. Hogeland on his sentence reduction motion. On numerous occasions, Mr. Hogeland contacted his attorney Claudia Flores, from the public defender’s office inquiring about his compassionate release motion. Initially, attorney Flores advised Mr. Hogeland that he

³ To avoid confusing the Court, Mr. Hogeland provides the Court with a copy of the BP-8 form and hand written “Motion to Modify Sentence Pursuant to 18 U.S.C. 3582(c)(1)(a). See: Ex B-1

should wait until the Third Circuit ruled in *Andrews* before supplementing his motion.⁴ However, on June 6, 2021, during a jail recorded conversation, attorney Flores stated to Mr. Hogeland, “that it would be a waste of their time and resources to file a motion on his behalf.” Attorney Flores, then advised Mr. Hogeland that “it might be in his best interest to continue pro-se.” Today, Mr. Hogeland has decided to follow the advice of attorney Flores and proceed pro-se. Thus, Mr. Hogeland respectfully asks the Court to allow him to supplement his initial motion with this motion. Indeed, the Court will find that this motion along with his arguments are clear, easily understood, meritorious and deserving of further consideration.

II. Statement:

This case involves an individual (Mr. Hogeland) who has had a “poly-substance abuse history involving alcohol, marijuana, methamphetamine, LSD, and hallucinogenic mushrooms dating back approximately to his mid-teens.” See: PSR at 14. Despite having a good employment record *Id. at 15*, Mr. Hogeland made some poor decisions which were influenced in part by his substance abuse issue. Aside from this offense, Mr. Hogeland has one prior drug conviction that involved no violence. *Id. at 10.* This offense, although it did not involve any violence, was a serious one. As the Court will recall, Mr. Hogeland initially accepted a plea agreement that “would have required a 20 year mandatory minimum term of imprisonment,” but the deal fell apart, and the Court allowed Mr. Hogeland to withdraw his plea. See: Gov’t’s Resp. at 2. Importantly, Mr. Hogeland wanted to plead out and accept responsibility but only for what he felt he was responsible for. Indeed, at sentencing, Mr. Hogeland made clear that he was “sorry for everything that he has done,” that he “did accept the package and I did sign it,” and that he was “wrong and I know I did wrong and I’m not glossing over that.” See: Sent Trans. at 12-13. Thus, Mr. Hogeland was contrite and remorseful at sentencing for his actions and he continues to feel that way today.

Notwithstanding the fact, that Mr. Hogeland was involved in a serious offense, the mandatory penalties sought by the government which led to a sentence that was beyond significant – indeed, it was “greater than necessary” was unnecessary. It is instances like that found in Mr. Hogeland’s case, which caused Congress to pass the First Step Act, particularly, allowing defendants to file directly with the Courts for sentence reductions. Congress was aware that there were defendants who may have received unusually lengthy sentences based on penalties that Congress did not intend to be

⁴ *United States v. Andrews*, No. 05-260-02 (E.D. Pa. Aug. 19, 2020) (Under review in the 3rd Circuit. Question presented, is whether 1B1.13 is applicable to motions filed by defendants).

abused by the government. Knowing this would be the case, Congress implemented 3582(C)(1)(A) as a safety valve and the mechanism to sort out *unusually lengthy* sentencing issues. In fact, Congress even went as far as to say that 3582(C)(1)(A) can be used to correct an *unusually lengthy* sentence if a defendant can demonstrate that his circumstances have changed in an extraordinary and compelling way while incarcerated. *Brooker*, 976 F.3d 228, 238 (2nd Circuit). Although the Court did not have the authority to sentence Mr. Hogeland under the mandatory minimum, the Court did “note for the record that this sentence is well in excess of what” the Court would have imposed if the Court “weren’t bound by the statutory mandatory minimums . . .” See: Sent Trans. at 16-17. There is no doubt that the 600 months Mr. Hogeland received for his conduct, is an *unusually lengthy* sentence that the Court would not have imposed if it were not for the mandatory minimum statute, and when assessing Mr. Hogeland’s circumstances in an individualized manner, it is clear, that Congress, in passing the First Step Act, actually hoped to correct sentences like Mr. Hogeland’s, that are “greater than necessary.” Mr. Hogeland submits that his circumstances call for a second look, and he is deserving of a sentence reduction – even to time served. Below, the Court will find that Mr. Hogeland’s *COVID-19 Concerns, and his Extraordinary Rehabilitation and Exemplary Prison Record, when viewed in combination with the Harsh Prison Conditions, the Lengthy Sentence he Received For Exercising his Right to Trial, the Disparity Between Mr. Hogeland’s Actual Sentence and the Sentence Disparity that Exist Today*, extraordinary and compelling reasons exist to grant Mr. Hogeland’s motion for a sentence reduction – even to time served.

III. The Court has the Authority, Pursuant to 3582(C)(1)(A) to Reduce Mr. Hogeland’s Sentence to a term less than 600 months Imprisonment.

The First Step Act amended 18 U.S.C. 3582(C)(1)(A) to give district courts the authority to reduce a previously imposed sentence in extraordinary and compelling circumstances. It provides:

[T]he court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that ---

- i) extraordinary and compelling reasons warrant such a reduction[.]

As the Court is aware, prior to the COVID-19 pandemic and in the wake of the Covid-19 pandemic, numerous district courts around the country including district courts within the Third Circuit have granted motions under 3582(C)(1)(A).

IV. 1B1.13 of the Sentencing Guidelines as well as Application Note 1D does not apply to 3582(C)(1)(A) Motions brought by Defendants.

Several Courts of Appeals and the majority of district courts agree that 1B1.13 and Application Note 1D do not apply to 3582(C)(1)(A) motions brought by defendants. For instance, the Second Circuit Court of Appeals in *Brooker* determined that the provisions were inapplicable to such motions and applied only to motions brought by the BOP:

In other words, if a compassionate release motion is not brought by the BOP Director, Guideline 1B1.13 does not, by its own terms, apply to it. Because Guideline 1B1.13 is not “applicable” to compassionate release motions by defendants, Application Note 1(D) cannot constrain district courts’ discretion to consider whether any reasons are extraordinary and compelling. 976 F.3d at 236.

For motions brought by inmates, the court ruled that “a district court’s discretion in this area – as in all sentencing matters – is broad”. *Id.* at 237. Further, the Second Circuit explained that what could be considered and relied on by a court considering a 3582(C)(1)(A) was virtually unlimited: “[t]he only statutory limit on what a court may consider to be extraordinary and compelling is that ‘[r]ehabilitation. . .alone shall not be considered an extraordinary and compelling reason.’” *Id.* at 237-238. (quoting 3582(C)(1)(A)). A district court’s broad discretion extends to reducing sentences that were unjust or unfair based on their length or a defendant’s youth at the time of the offense, or both. *Id.* at 238. In doing so, the Second Circuit cited with approval *United States v. Maumau*, 2020 WL 806121 (D. Utah), a case in which the district court granted a reduction because the original sentence was overly long. *Id.*

The Fourth, Fifth, Sixth, Seventh, Ninth, and Tenth Circuits soon followed confirming that district courts have broad discretion when ruling on 3582(C)(1)(A) motions brought by defendants and they held that 1B1.13 of the Sentencing Guidelines is not an “applicable policy statement[]” within the meaning of 3582(C)(1)(A). See: United States v. Jones, F.3d, 2020 WL 6817488, at *9 (6th Cir. Nov. 20, 2020) (“in cases where incarcerated persons file motions for compassionate release, federal judges may skip step two of the 3582(C)(1)(A) inquiry and have full discretion to define “extraordinary and compelling” without consulting the policy statement 1B1.13.”); *United States v.*

Gunn, F.3d, 2020 WL 6813995 at *2 (7th Cir. Nov. 20, 2020) (“Section 1B1.13 addresses motions and determinations of the Director, not motions by prisoners. In other words, the Sentencing Commission has not yet issued a policy statement “applicable” to Gunn’s request. And because the Guidelines Manual lacks an applicable policy statement, the trailing paragraph of 3582(C)(1)(A) does not curtail a district judge’s discretion.”); *United States v. McCoy*, F.3d, 2020 WL 7050097 at *7 (4th Cir. Dec. 2, 2020) (“We agree with the decisions of these courts of appeals, which reflect a growing consensus in the district courts. . . [In]short, 1B1.13 does not apply to defendant filed motions under 3582(C)(1)(A).”); *United states v. Maumau*, No. 20-4056, 2021 U.S. App. LEXIS 9510 (10th Cir. Apr. 1, 2021) (“First, it ignores the fact that the Sentencing Commission has failed to fulfill its statutory duty to issue a post-First Step Act policy statement recognizing the ability of defendants to file their own motions for sentence reduction. Second, and relatedly, it effectively undercuts the statutory changes that Congress made in the First Step Act where it authorized defendants to file motions.”); *United States v. Shkambi*, No. 20-40543, (5th Cir. Apr. 7, 2021) (The question presented was whether the U.S. Sentencing Commission’s compassionate release policy statement binds district courts in considering prisoners’ motions under the First Step Act. The district court said yes and dismissed *Franceska Shkambi*’s motion for lack of jurisdiction. That was wrong for two reasons. First, the district court did have jurisdiction. And second, the policy statement is inapplicable. The court reversed and remanded for further proceedings consistent with this opinion); and *United States v. Aruda*, No. 20-10245, (9th Cir. Apr. 8, 2021) (The panel held that the current version of 1B1.13 is not an “applicable policy statement[] issued by the Sentencing Commission” for motions filed by a defendant under 18 U.S.C. 3582(C)(1)(A)).

The decisions also confirm that a district court’s discretion is broad. *Jones*, 2020 WL 6817488 at *9 (noting that the district court’s decision is reviewed under a deferential abuse of discretion standard); *Gunn*, 2020 WL 6813995 at *2 (explaining that district courts have discretion to resolve inmate filed compassionate release motions within the statutory scheme). For example, in *McCoy*, the Fourth Circuit affirmed several sentence reductions and held that the defendants’ lengthy, stacked 924(c) sentences were a factor a district court could consider when resolving a 3582(C)(1)(A) motion: “In sum, we find that the district courts permissibly treated as ‘extraordinary and compelling reasons’ for compassionate release the severity of the defendants’ 924(c) sentences and the extent of the disparity between the defendants’ sentences and those provided for under the First Step Act.” 2020 WL 7050097 at *11. And, in *Owens*, the Sixth Circuit recently ruled that a “District Court could consider whether defendant’s rehabilitative efforts and lengthy sentence he received because of exercising his right to trial could, in

combination with First Step Act's changes to escalating sentencing scene for possession of firearms violations, constituted extraordinary and compelling reason for compassionate release, even though First Step Act did not make changes to sentencing scheme applicable retroactively." 2021 WL 1811538 at *1. Although, *Andrews* is yet to be decided, courts within the Third Circuit continue to use their discretion in determining what constitutes "extraordinary and compelling reasons" warranting a sentence reduction. See: *United States v. Ezell*, 2021 U.S. Dist. LEXIS 26618 (E.D. Pa. Feb 11, 2021) (Finding that the unduly harsh nature of his sentence and several other factors related to his rehabilitation and readiness to re-enter society present "extraordinary and compelling reasons" warranting a sentence reduction. The Court also denied the government's request to stay the motion pending *Andrews*.); See also: *United States v. Briggs*, 2021 U.S. Dist. LEXIS 71790 (E.D. Pa. Mar. 8, 2021) (same).

V. 18 U.S.C. 3582(C)(1)(A) is a Sentence Reduction Vehicle.

Importantly, there exists a common misnomer, that 3582(C)(1)(A) is an all or nothing provision that requires a court to release the defendant or deny the motion. Indeed, nothing in the statutory language indicates that 3582(C)(1)(A) is an all or nothing provision. In fact, the term compassionate release "appropriately can be referred to and conceived as . . . "sentence modification" (or "sentence reduction")." *United States v. Ervin*, 2021 U.S. Dist. LEXIS 41695 (M.D. Tenn. Mar. 5, 2021) (quote *United States v. Maumau*, 2020 U.S. Dist. LEXIS 28392, 2020 WL 80621 at n. 2 (D. Utah Feb. 18, 2020)). At least two Courts of Appeals have expressed that 3582(C)(1)(A) is not an all or nothing provision, but rather a "Sentence Reduction Vehicle". For instance, in *Brooker*, the Second Circuit observed the following:

It bears remembering that compassionate release is a misnomer. 18 U.S.C. 3582(C)(1)(A) in fact speaks of sentence reductions. A district court could, for instance, reduce but not eliminate a defendant's prison sentence, or end the term of imprisonment but impose a significant term of probation or supervised release in its place.

The Seventh Circuit's decision also confirms the Second Circuit's conclusion that 3582(C)(1)(A) is a sentence reduction vehicle and not an immediate release or nothing provision. *Jones*, 2020 WL 6817488 at *3 n.7. See also: *United States v. Clausen*, 2020 U.S. LEXIS 131070 (E.D. Pa. July 24, 2020) (Finding that "Courts have no obligation to reduce the sentence in a way that provides immediate release from prison.") And See: *United States v. Curry*, No. ELH-17-0387, 2021 U.S. Dist. LEXIS 7016 (D. Md. Jan. 14, 2021):

"The First Step Act does not constrain the Court to decide between immediate release or no reduction at all, and instead leaves the Court discretion in its evaluation of the appropriate sentence once it finds 'extraordinary and compelling reasons'" United States v. Braxton, Crim. No. JKB-09478, 2020 U.S. Dist. LEXIS 147379, 2020 WL 4748536 (D. Md. Aug. 17, 2020). Thus, the Court's decision need not be confined either to immediate release or leaving the existing sentence intact. The statutory text of the First Step Act allows courts to "reduce the term of imprisonment," upon a finding of "extraordinary and compelling reasons." 18 U.S.C. 3582(C)(1)(A).

The Curry Court went on to say:

Numerous district courts in both this Circuit and others have found that a court need "not choose between immediate, unconditional release or no relief at all" and have, accordingly, granted sentence reductions that did not result in immediate release. See, e.g., United States v. Johnson, No. RDB-07-0153, ECF. No. 183, 2020 U.S. Dist. LEXIS 190921 (D. Md. Oct. 14, 2020) (reducing sentence from 246 months to 168 months); United States v. Marks, 455 F. Supp. 3d. 17-2020 WL 1908911, at *17 (W.D.N.Y. 2020) (reducing sentence from 40 years to 20 years); United States v. Arey, 461 F. Supp. 3d. 343, 2020 WL 2464796 (W.D. Va. 2020) (reducing sentence but denying immediate release); United States v. Day, 474. F. Supp. 3d. 790 2020 U.S. Dist. LEXIS 133586 (E.D. Va. 2020) (same). *Id.*

Notably, not one of the Seven Circuit Courts of Appeals who have agreed that 1B1.13 is not applicable to motions brought by defendants have ruled that 18 U.S.C. 3582(C)(1)(A) is an all or nothing provision that requires a court to release the defendant or deny the motion. As a matter of fact, a large number of district courts within those Seven Circuits have elected to reduce sentences in the alternative of granting time served. See: United States v. Quinones, 2021 WL 797835 (S.D.N.Y. Feb. 27, 2021) (Reduced from life to 35 years'); United States v. Rodriguez, 2020 WL 5810161 (S.D.N.Y. 2020) (Reduced from life to 30 years'); United States v. Rios, 2020 U.S. Dist. LEXIS 230074, 2020 WL 7246440 (D. Conn. Dec. 8, 2020) (Reduced from three-life sentences to 360 months); United States v. Legette-Bey, No. 1:02-cr-367, 1:03-cr-136, 2021 U.S. Dist. LEXIS 10165 (N.D. Ohio. Jan. 20, 2021) (Reduced from 1,846 months to 360 months and one day); United States v. McDonel, 2021 U.S. Dist. LEXIS 6401 (E.D. Mich. Jan. 13, 2021) (Reduced from 107 years' to 240 months); United States v. Williams, 2020 Dist. LEXIS 179932 (W.D. Va. Sept. 29, 2020) (Reduced from life to 188 months); United States v. Austin, 2020 U.S. Dist. LEXIS 221125 (N.D. Illinois. Nov. 25, 2020) (Reduced from 684 months to 288 months); United States v. Lyle, 2020 U.S. Dist.

LEXIS 231578 (S.D. Texas. Dec. 9, 2020) (Reduced from 1,141 months to 493 months); *United States v. Urkevich*, 2019 WL 6037391 (D. Neb. Nov. 14, 2019) (Reduced from 848 months to 368 months).

Thus, the Court can “reduce but not eliminate” Mr. Hogeland’s “sentence, or end the term of imprisonment.” *Id. Brooker.*

VI. The 30 day Claims Filing is not at Issue in this Case.

The 30 day claims filing requirement will not play a role in this case given that “30 days has passed since he (Mr. Hogeland) made his request, so defendant’s motion is ripe for consideration by this Court.” See: Gov’t’s Resp. at 3.

VII. The Court should find “Extraordinary and Compelling Reasons” and Reduce Mr. Hogeland’s Sentence.

A. Mr. Hogeland’s COVID-19 Concerns.

Since the government’s response, Mr. Hogeland has been fully vaccinated. Therefore, Mr. Hogeland withdraws his COVID-19 argument as it *relates* to him being at great risk. Although, he feels that he is still at risk because of his obesity, being a former smoker along with other medical concerns, Mr. Hogeland understands that being fully vaccinated has mitigated his chances of being infected and dying. Mr. Hogeland, however, now argues that because he did take the vaccine at free will, this, when combined with the other factors rise to the level of extraordinary and compelling. Indeed, the Country as it stands today has not been fully vaccinated and many Americans are choosing not to vaccinate themselves. The need to vaccinate the country is do dire, that free beers, lottery tickets, money and other incentives are being offered by the President of the United States and others, in an attempt to vaccinate the country. Thus, Mr. Hogeland’s willingness to volunteer to be vaccinated in order to protect himself and others who are around him should be viewed as an act of patriotism. Indeed, President Biden has remarked, that being vaccinated is a patriotic duty. When viewed in the context of Mr. Hogeland being vaccinated in order to prevent the spread of COVID-19 in the prisons, terms like remarkable, patriotic, and even “extraordinary character” should be used to define Mr. Hogeland’s actions.

B. Although the Court cannot base its Determination *solely* on Post Rehabilitation, Mr. Hogeland's level of Rehabilitation has exceeded the normal definition of what courts consider to be rehabilitation.

The only limit on what a court can consider to be extraordinary and compelling is 3582(C)(1)(A)'s requirement that the finding not be based *solely* on rehabilitation. Still, as detailed below, Mr. Hogeland's record in the BOP is one that goes *beyond* rehabilitation and is instead one that demonstrates that he has *transformed* and is already a positive, contributing member of society. Indeed, courts have found that "prisoners are supposed to follow rules, take classes, work at a job, and otherwise attempt to improve themselves. That a prisoner does so means that he has met *baseline* expectation, not that he has done something extraordinary." *United States v. Logan*, 2021 U.S. Dist. LEXIS 64988 (D. Minn. Apr. 1, 2021) (emphasis added). Nevertheless, the fact that Mr. Hogeland's 600 month *de facto* life sentence meant that he may never return to society again, makes his efforts to self-improve himself unique, and therefore should be viewed differently.⁵ The Court will find that Mr. Hogeland's efforts to fully and unconditionally rehabilitate, and assist others was purely done on his own volition with the intentions of not only self-improving himself, but improving others. Under these circumstances, Mr. Hogeland's efforts to rehabilitate are nothing less than remarkable – indeed, they are extraordinary. On several occasions courts have found that actions that go *beyond* "a change in a defendant's circumstances that leads to a return to society with no further criminal activity" are a separate factor to be considered when determining whether extraordinary and compelling reasons exist. See in particular: *United States v. Torres*, 464 F. Supp. 3d 651, 663-664 (S.D.N.Y. 2020). The *Torres* court noted that "[m]any defendants who pass through this Court ultimately become fully functioning members of society – they achieve, so to speak, rehabilitation." *Id.* at 664. Separate and apart from the usual rehabilitation are efforts to assist fellow inmates and the prison community as a whole; this service "exceed the bounds of what we consider 'rehabilitation.'" *Id.* at 663. The *Torres* court explained:

Here, by comparison, the *Torres* brothers have established a decade's long record of meaningful community service, a record that would be notable even

⁵ With Good Time Credit, Mr. Hogeland will be 86 years old when released, and without Good Time Credit, Mr. Hogeland will be 93 years old when released from prison. When taking into consideration Mr. Hogeland's medical issues, it is likely that if his sentence remains unchanged he will die in prison.

outside of the federal prison system. . . . The Court concludes that the Torres brothers' contributions are, as the statute requires, "extraordinary and compelling." *Id.* at 664.

Importantly, *Torres* involved defendants serving *life sentences* based on their "large scale, street level heroin distribution network operating mainly out of the South Bronx." Nor is the decision in *Torres* the only example of courts finding that a defendant going beyond basic rehabilitation can be a factor in determining whether extraordinary and compelling circumstances exist. See: *United States v. Rodriguez*, F. Supp. 3d. 2020 WL 5810161 at *5 (S.D.N.Y. Sept. 30, 2020) (finding extraordinary and compelling circumstances for defendant serving a *life sentence for a violent offense involving the killing of a confidential informant* and noting: "[t]he Court finds that this overwhelming evidence of, not just rehabilitation, but transformation, weighs in favor of a finding that extraordinary and compelling reasons exist to modify Rodriguez's sentence. That Rodriguez has developed such an outstanding record in prison "without any tangible incentive other than self-improvement, given that his life sentence meant that he could neither earn any 'good time' credit nor receive any other sentence reduction benefit" weighs all the more strongly still."); See also: *United States v. Millan*, 2020 WL 1674058 at *8 (S.D.N.Y. Apr. 6, 2020) (finding extraordinary and compelling circumstances for defendant serving life sentence and observing "[i]n the almost three decades that have passed since he was arrested (and detained) in 1991, and despite having no realistic hope of release, Mr. Millan has done everything in his power to rehabilitate himself, as demonstrated by his genuinely exceptional accomplishments and meritorious prison record. He is remorseful and contrite and has fully accepted responsibility for his crimes. In the almost three decades that he has been incarcerated, Mr. Millan has conducted himself as a model prisoner and demonstrated exceptional character. He has developed into a man of great faith and a leader of the religious community at FCI Fairton and has demonstrated a commitment to working at risk youth and suicide prevention."). Below, the Court will find that the type of rehabilitation, self-improvement and service the *Torres*, *Rodriguez*, and *Millan* courts dealt with is decidedly similar to that found in Mr. Hogeland's case.

1. Mr. Hogeland's time in the BOP has been Exemplary and his Record of Rehabilitation is Consistent and Complete.

Mr. Hogeland was 42 years old when the events that formed the basis of this offense took place. Still, the fact that he is on a different path is evident from the start of his time in custody when he was arrested on July 15, 2004. Since then, Mr. Hogeland has

been an exemplary inmate and has demonstrated that he is completely and unconditionally rehabilitated.

To begin with, Mr. Hogeland has earned certificates for participated in numerous BOP programs. See: Ex A-2 (Educ. Trans) & Ex A-3(Certificates). Some of the programs Mr. Hogeland completed include, Drug Education, Industry Safety & Health, Mindful Based Stress Reduction, Recreation Aid, Plyometric Training, Construction – Ladder Safety & Fall Protection, and Healing for Damaged Emotions. See: Ex A-2 & A-3 (for other programs completed and certificates received by Mr. Hogeland).⁶

In addition to participating in numerous BOP programs, Mr. Hogeland has maintained employment within the BOP as an emergency plumber and a UNICOR worker for the Federal Prison Industry as FCI Fairton where he currently holds the position of "Final Quality Inspection Clerk." While in UNICOR, Mr. Hogeland has trained in various areas amounting to over 6,000 hours of training. Due to his "awesome job" at UNICOR – *Ex A-4 (Evaluation Report)*, UNICOR payed for Mr. Hogeland to participate in the Certified Quality Improvement Associate course, where he has earned a certificate for "Quality Improvement." See: Ex A-5 (CQIA Certificate). Mr. Hogleand has also earned a certificate from UNICOR for participating in the "Sorting, Testing, Packing and Safety Procedure" course. See: Ex A-6 (UNICOR Certificate).

FCI Fairton's BOP UNICOR Quality Assurance Manager, Mr. Marti, notes the following about Mr. Hogeland:

Mr. Hogeland currently holds the title of Final Quality Inspector and has worked in UNICOR at FCI Fairton since May 2018 to present. During this time he has actively participated in all training opportunities relating to Quality Assurance and has excelled in all areas. His skill set would be an asset to any company. He shows interest in his work and has dedicated himself to improving this skill. Inmate Hogeland has gained the respect of his co-workers do to his knowledge and skill as the Final Quality inspector. He is a good example to other workers. He bring a positive attitude and desire to learn within the work environment. He is respectful to authority and never questions directives. He is easy to work with and can be depended upon to complete tasks on time. Along with being an excellent worker, inmate Hogeland has helped UNICOR through his ability to train and lead other employees in their job duties. Although not required, he has done

⁶ Because of the restrictions placed on BOP prisons due to the pandemic, Mr. Hogeland's ability to educate himself has decreased.

this solely on his own initiative. While supervising inmate Hogeland, I've found him to be a hard working individual with an excellent attitude. I would be very comfortable hiring this individual in the future and feel he will be a productive member of society. See: Ex A-7 (UNICOR Letter).

FCI Fairton's BOP UNICOR Factory Manager, Mr. Persaud, also notes the following about Mr. Hogeland:

Mr. Hogeland current position is a final Quality Assurance personnel and is responsible for ensuring that all finish production are to customer service satisfaction. Mr. Hogeland is also responsible for material coming into the factory and shipping out the factory. Staff trust Mr. Hogeland with documenting correct information as a receiving clerk for UNICOR. Mr. Hogeland continues to be an asset to UNICOR operation with his attention to details. See: Ex A-8 (UNICOR Letter).

The BOP sums up Mr. Hogeland's progress as follows:

Inmate Hogeland receives outstanding work performance evaluations based upon his overall job proficiency. . . Inmate Hogeland participated in numerous programs during his incarceration . . . Inmate Hogeland has maintained clear conduct during his incarceration. He interacts appropriately with staff and is not considered to be a management concern at this time . . . Overall, inmate Hogeland is not a management concern and he participated in numerous programs during his incarceration. He interacts appropriately with staff and other inmates. See: Ex A-9 (Progress Report).

In addition to the BOP progress report, and the impressive reviews noted by BOP employees on Mr. Hogeland's prison record – family members, and friends have also submitted letters of support on behalf of Mr. Hogeland, detailing his remarkable transformation:

- Mr. Fred Hogeland, the father of Mr. Hogeland, notes, "It has been almost 16 years since he was first incarcerated and he has learned a lot of good things in that time, degrees in the bible and business. I think he is rehabilitated and is ready to come home and help his 86 year old father (his mother – my wife, died last year) out in his senior years."⁷ See: Ex A-10.

⁷ Here, Mr. Hogeland's father expresses how much he needs his son to "help his 86 year old father out in his senior years." The Court should view this as a "family circumstance" within 1B1.13 or in combination with the other factors detailed herein to demonstrate "extraordinary and compelling reasons" warranting a sentence reduction.

- Frank Hogeland, the brother of Mr. Hogeland, notes, "James has served quite a bit of his unusually harsh sentence . . . He's had an exceptional clean prison record and has been a model prisoner at all times. He's furthered his education and renewed his faith . . . I'm suffering from a rare form of leukemia/lymphoma and I anticipate some rough times ahead. **James would be able to help with the care of our 87 yr old father whose health is starting to decline.**" See: Ex A-11. (emphasis added)
- Donna Hogeland, the sister of Mr. Hogeland, notes, "I am very grateful for the reform he has made through the Federal Detention System. I have visited him once a year for the last 16 years in prison and he is truly a changed person . . . I am asking that he be released and be pardoned and be allowed to return home to our family. **I hope he can live with Fred Hogeland, our father who is 86 as his caretaker.**" See: Ex A-12. (emphasis added)
- Debbie Celebucki, the sister of Mr. Hogeland, notes that he should be released because while in prison "he has worked, served others, accepted his sentence, improved himself and has never been reprimanded for his behavior." See: Ex A-13.
- Hana Stusser, the niece of Mr. Hogeland, notes, "For almost my entire life, my uncle Jim has been in prison. However, this has not stopped us from having a relationship or being a part of each other's lives . . . My uncle has never failed to send me a kind and heartfelt birthday card, Christmas card or Easter card." See: Ex A-14.
- Mari Stusser, the niece of Mr. Hogeland, notes, "Over the years I have found a lot of joy and meaning in writing letters to him. His responses are always so beautifully written, upbeat and full of enthusiasm for what I am doing in my life . . . Now that my grandmother has passed away, **my Grandpa Fred lives alone, and needs the care of his son more than ever.**" See: Ex A-15. (emphasis added)
- Ashoka Celebucki, the nephew of Mr. Hogeland, notes, "I think he has served a long enough sentence in prison and has changed . . . **Another big benefit of him being released is he could go and take care of my . . . Grandpa . . .**" See: Ex A-16. (emphasis added)

- Carol Tinneny, who is the owner of "Tinneny Plumbing & Heating Inc." company, and who is also a friend and former employer of Mr. Hogeland, notes, "If in your heart he would be granted a second chance I would not hesitate to hire him on a full time basis for my plumbing & heating business . . . I have been the owner for over 30 years and at one time long ago Jimmy (Mr. Hogeland) was part of." See: Ex A-17.
- Gina M. Clark, a friend of Mr. Hogeland, notes, "Mr. Hogeland has been a model inmate . . . He has furthered his education, offered assistance to other inmates when they are having a hard time as well as offered his knowledge to plumbing and heating to aid in the repairs in the prison . . . I am personally honored to call Mr. Hogeland my friend . . ." See: Ex A-18.
- Theresa Hlywski, a friend of Mr. Hogeland, notes that Mr. Hogeland "has come a long way both spiritually and ethically." See: Ex A-19.
- Janine Sternlieb, a friend of Mr. Hogeland, notes that Mr. Hogeland "is a skilled and hard-working man. He has repented of his wrongs and wants only to be a generous and law-abiding member of society . . . I fully support his release and pardon." See: Ex A-20.
- Spencer Sherman, a friend of Mr. Hogeland, notes that Mr. Hogeland "is a man that wants to give back and I believe that his release from prison will benefit many." See: Ex A-21.
- Tracy Saucier, a friend of Mr. Hogeland, notes that Mr. Hogeland "is a peaceful and transformed human being whose gifts would greatly benefit their family, his community, and the world." See: Ex A-22.
- Tara Brown, a friend of Mr. Hogeland, notes that Mr. Hogeland "has embraced his life on the inside through his service to other inmates and his capacity to maintain a steadiness in his prison jobs." See: Ex A-23.
- Katherine Presley, a friend of Mr. Hogeland, notes, "I think James (Mr. Hogeland) reform is commendable and worthy of his case being reconsidered. He made terrible errors but found his way to make fundamental changes in himself and

make amends in the way he could, in a very responsible human way." See: Ex A-

24.

- Inmate Frank Goodman, a friend of Mr. Hogeland notes, "James (Mr. Hogeland) accepted me from the start of my stay in Lewisburg and instantly greeted and cared for me as a brother without boundaries! . . . James is a man of God and encourages others to strive for change and being better people daily." See: Ex A-

25.

The aforementioned makes clear that Mr. Hogeland's "accomplishments while in prison and his level of rehabilitation are extraordinary." *United States v. Mack*, 2021 U.S. Dist. LEXIS 53947 (S.D. Ohio, Mar. 23, 2021). This is true, especially when taking into consideration that Mr. Hogeland's rehabilitative efforts were motivated by his willingness to self-improve himself, and others, despite serving a *de facto* life sentence.

What's more, is that Mr. Hogeland, despite being housed in high and medium risk facilities, where violence, drugs and contraband of all sorts is prevalent, has managed to remain trouble free. In the 17 years Mr. Hogeland has been incarcerated he has not received *one* disciplinary write up. Indeed, not *one* disciplinary write up in 17 years demonstrates that Mr. Hogeland is not a violent individual, and that he is without a doubt fully and unconditional rehabilitated. There is no other way but to view Mr. Hogeland's self-motivated rehabilitative efforts, and impeccable prison record as an *unusual and un-comparable circumstance* – at least in this Court. When combined with the other factors detailed below, a sentence reduction – even to time served is warranted.

Importantly, and worth noting, due to his level of rehabilitation and spotless prison conduct, the BOP rewarded Mr. Hogeland by transferring him from a USP (High Risk) facility to a FCI – Medium Risk facility. Today, Mr. Hogeland's classification status reflects "Camp custody." See: Ex A-26 (Custody Report – 10 points and under makes an inmate eligible for Camp custody – Mr. Hogeland's custody points is at 3). As the Court is aware, being at a low or minimum institution is important for inmates who are transitioning back into society. However, due to Mr. Hogeland's lengthy sentence, it is unlikely that he may ever enjoy the possibility of being transferred to an institution that can help prepare his transition back into society. The Court can however, change that by reducing Mr. Hogeland's sentence.

2. Mr. Hogeland's Efforts have gone Beyond Rehabilitating himself and his Service to Others make it Clear that he is already a Contributing Member of Society.

Beyond rehabilitating himself, Mr. Hogeland has a record of contributing to the prison community including service to others. His service focuses on guiding others to a life of faith amongst other things. Before becoming a minister within the prison community, Mr. Hogeland made it a priority to educate himself religiously within the Christian faith. For instance, Mr. Hogeland has completed multiple "Life Keys" courses dealing with chapters and versus of the Bible. As a result he has earned 46 certificates. See: Ex A-27 (Life Keys – Student Trans.). Mr. Hogeland also earned 2 certificates from the "The Salvation Army" for completing "the Christian Life" Bible correspondence course that they offer. See: Ex A-28 (Certificates From The Salvation Army). Mr. Hogeland has also earned 3 certificates from the "American Bible Academy" where he took 9 exams, See: Ex A-29 (ABA Certificates) and he has received a Diploma from "The Voice of Prophecy Worldwide Bible Broadcasters" for completing 26 of their lessons. See: Ex A-30. (TVPWBB Diploma). Mr. Hogeland did not stop there. Indeed, he has went on to earn a Bachelor's Degree on Ministry, See: Ex A-31 (Bachelor's Degree and Student Trans.) and a Bachelor's Degree on Biblical Studies. See: Ex A-32 (Bachelor's Degree and Student Trans.).

Mr. Hogleand has used his knowledge on Biblical Science and Ministry to assist the BOP Chaplain services and the prison community in general. The Founder and President of "Good Shepherds Ministries International" Dr. Berin Gilfillan, notes the following about Mr. Hogeland's assistance as a facilitator of their programs which helps other fellow Christians grow:

- Our Organization . . . would like to inform you that our ISOM program, a discipleship and leadership Christian ministry training tool, has been implemented at FCI Fairton, NJ. For several years. Mr. James Hogeland has been part of our alumni since 2014 when he graduated from our Associates program. He continued his studies with ISOM obtaining a Bachelor's Degree in Ministry from Vision International University in 2016. Since then, he became a facilitator of our program helping other Christians to grow in their faith. In addition, Mr. James Hogeland has been teaching 2 classes of 6 and 8 students within the Associates level at his facility. We can only say that Mr. James Hogeland is a great asset to the Body of Christ and the Kingdom of God by helping other Christians mature in their faith. See: Ex A-33 (GSM Letter).

Mr. Hogeland also assisted the BOP by "volunteering his professional Plumbing skills to assist Fac. Dep't with suicide/psych. Obs. Room conversion from Porcelain to Stainless Steel combination units. This is to reduce the chance of a suicide attempt." See: Ex A-34 (BOP Monetary Special Award form). Indeed, the BOP rewarded Mr. Hogeland with \$100. 00 for "an act which protects lives of employees or inmates, or the property of the United States." *Id.* Mr. Hogeland's assistance to the BOP and inmates does not stop there. In addition to his voluntary work, Mr. Hogeland has also participated in the BOP Suicide Watch Program where he has earned 2 certificates for training. See: Ex A-35 (SWP Certificates). As a Suicide Watcher, Mr. Hogeland received evaluations for his excellent work and assistance. BOP Chief Psychologist, J. Sage. Notes the following about Mr. Hogeland's responsibility as a Suicide Watcher:

This is to advise that inmate James Hogeland, Reg. No. 59573-066, is a member in good standing of the Psychology Services Suicide Watch Companion Team. This team is comprised of 24 inmates who have offered their time to provide visual supervision of inmates placed on suicide watch within the institution and to respond to potentially life-threatening emergencies. See: Ex A-36 (BOP Chief Psych. Letter).

Former Director of the BOP Charles E. Samuels, Jr. expressed his "respect and appreciation" for the work that inmates do to prevent a suicide attempt in a letter as follows:

Of the many valuable inmate programs offered by the Bureau of Prisons, the Inmate Companion Program is one of which I am particularly proud. This program is an example of inmates helping inmates. Those of you who participate in this program are contributing to your community by providing support and hope to your peers . . . I have great respect and appreciation for the work you do to prevent suicide and support your peers through their darkest moments. Your work, in collaboration with the professional mental health services provided by the Bureau, truly has the power to save lives. See: Ex A-37 (Director of BOP Letter).

The evidence presented above demonstrates that Mr. Hogeland has exceeded "the bounds of what we consider rehabilitation." *Torres*, 464 F. Supp. 3d at 663. Black's Laws Dictionary (11th ed. 2019) defines *rehabilitation* in ordinary parlance as "[t]he process of seeking to improve a criminal's character and outlook so that he or she can function in society without committing other crimes." See also: Mistretta v. United States, 488 U.S. 361, 363, 109 S. Ct. 647, 102 L. Ed. 2d. 714 (1989) (defining the goal of rehabilitation as "to minimize the risk that [a defendant] would resume criminal activity upon his return

to society.”). As indicated above, the type of rehabilitation, self-improvement and service the *Torres*, *Rodriguez*, and *Millan* courts dealt with is decidedly similar to that found in Mr. Hogeland’s case. Indeed, Mr. Hogeland “has used his . . . years in prison not just to better himself but also to better his community.” *Rodriguez*, 2020 U.S. Dist. LEXIS 181004, 2020 WL 5810161, at 4. “It is this pattern of meaningful, positive influence on those around him that rises above ‘rehabilitation . . . alone’ and comprises an extraordinary and compelling reason for early release.” *United States v. Underwood*, 2021 U.S. Dist. LEXIS 8378 (S.D.N.Y. Jan. 15, 2021). Even the *Logan* Court acknowledged that although “prisoners are supposed to follow rules, take classes, work at a job, and otherwise attempt to improve themselves” and “that a prisoner does so means that he has met *baseline* expectation, not that he has done something extraordinary,” “the Court recognizes that there could be truly extraordinary instances of rehabilitation, such as a defendant who risks his life to help his fellow inmates in a pandemic or to rescue a corrections officer who has come under attack.” *United States v. Logan*, 2021 U.S. Dist. LEXIS 64988 (D. Minn. Apr. 1, 2021) (emphasis added).

Importantly, Mr. Hogeland was also one of few inmates who was selected at the height of the pandemic to assist UNICOR in producing face shield masks for front line workers.

By any measure, Mr. Hogeland’s *de facto* life sentence makes his *transformation*, level of rehabilitation, record of service, and transition to a productive member of society unique and compelling, and therefore, demonstrates an extraordinary and compelling reason warranting a sentence reduction.

C. Harsh Prison Conditions Due to the Pandemic.

The harsh prison conditions due to the pandemic, combined with the other factors described herein demonstrate extraordinary and compelling reasons warranting a sentence reduction. At least one Court of Appeals (Second Circuit) has indicated that while rehabilitation “alone” is insufficient, it can “interact with the present coronavirus pandemic” to create an extraordinary and compelling reason for a sentence reduction. See: *Brooker*, 2020 U.S. App. LEXIS 30605, 2020 WL 5739712, at *9. Importantly, the Second Circuit did not restrict the use of the term “pandemic” when analyzing what can be considered an extraordinary and compelling circumstance. Thus, the harsh prison conditions that exist today are due to the “pandemic,” therefore, courts may consider prison conditions when evaluating compassionate release motions. See: *United States v. Quinones*, 2021 U.S. Dist. LEXIS 37628, *5 (Feb. 27, 2021. S.D.N.Y.) (“the Court finds, as it did with Rodriguez, that the pandemic, because of the concomitant lockdowns and

restrictions that are necessary to ensure inmate safety, has rendered Quinones's incarceration "far harsher and more [*6] punitive than the Court had anticipated at sentencing." *Rodriguez*, 2020 U.S. Dist. LEXIS 181004, 2020 WL 5810161. At *8. This too, is relevant to the Court's finding of extraordinary and compelling reasons. See also: *United States v. Bass*, 2021 U.S. Dist. LEXIS 28791 (E.D. Mich. Feb. 8, 2021) ("Today, compassionate release is widely understood as a means of protecting defendants from suffering harm due to unforeseen changed circumstances during their sentences.").

The Court in *Ciprian* said it best:

As has been widely chronicled, the pandemic has required extreme restrictions on prisoners' movements and visits. It also exposed prisoners to heightened fears of contagion. Long before the current pandemic, courts had recognized that periods of pre-sentence custody spent in unusually arduous conditions merited recognition by courts measuring the just sentence. The same logic applies here. A day spent in prison under extreme lockdown and fear of contracting a deadly virus exacts a price on a prisoner beyond that imposed by an ordinary day in prison. While not intended as punishment, incarceration in such conditions, is unavoidably, more punishing. *United States v. Ciprian*, No. 11-CR-1032-74 (PAE) 2021 U.S. Dist. LEXIS 18698 (S.D.N.Y. Feb. 1, 2021).

In a recent case, *United States v. Hatcher*, No. 18-CR-454-10 (KPF) WL 1535310 (S.D.N.Y. 2021) (The court noted that it has previously "found that harsh prison conditions of imprisonment occasioned by the COVID-19 pandemic are not, without more, sufficiently "extraordinary and compelling" to warrant compassionate release." However, the court went on to note that its rulings on that were "issued in the fourth, rather than the thirteenth month of the COVID-19 pandemic. Moreover, it is also true that courts reviewing motions for sentence modifications have considered the extent to which onerous lockdowns and restrictions imposed by correctional facilities attempting to control the spread of the virus have made sentences harsher and more punitive than would otherwise have been the case."). For the past 15 months, Mr. Hogeland has suffered from the harsh prison conditions presented by COVID-19. As indicated above, Mr. Hogeland's ability to continue programming at a high level has diminished because of the pandemic. Further, since the start of the pandemic, Mr. Hogeland has yet to visit with his family. Indeed, despite having a *de facto* life sentence, visiting with his family has allowed Mr. Hogeland to maintain a strong relationship with his family members, especially with his elderly father, which has played a major factor in Mr. Hogeland's efforts to rehabilitate himself. Knowing the importance of family contact visiting and the impact such privileges can have on an individual, the Court

"recommended" after considering the letter Mr. Hogeland's mother wrote to the Court, that Mr. Hogeland "be imprisoned or incarcerated as close to Philadelphia as possible so that she and your father can visit you." See: Sent Trans. at 22. The Court should find the punitive punishment Mr. Hogeland has endured in prison during the past 15 months due to the pandemic very concerning, especially in light of the fact, that Mr. Hogeland has clearly demonstrated his willingness to educate himself and be fully involved in his family's lives. Thus, the Court should consider the *unforeseeable – additional punishment* that the Court nor the government seen coming at the initial sentencing when *combined with the other factors* detailed herein, as an "extraordinary and compelling" reason warranting a sentence reduction.

Moreover, the harsh prison conditions are also relevant when analyzing the 3553(a) factors. As the Fourth Circuit Court of Appeals recently expressed: ("Section 3582(C)(1)(A) necessarily envisions that the 3553(A) factors may balance differently upon a motion for compassionate release than they did at the initial sentence."). Chief Judge Roger Gregory went on to note, ("There is good reason to believe that, in some cases, a sentence that was 'sufficient but not greater than necessary' before the coronavirus pandemic may no longer meet the criteria. A day in prison under the current conditions is a qualitatively different type of punishment than one day in prison used to be. In these times, drastically different. These conditions, not contemplated by the original sentencing court, undoubtedly increase a prison sentence's punitive effect."). *United States v. Kibble*, No. 20-7009, 2021 U.S. App. LEXIS 9530 (4th Cir. Apr. 1, 2021).

Thus, Mr. Hogeland's *transformation*, level of rehabilitation, spotless prison record, and service to the prison community *in combination* with the harsh prison conditions due to the pandemic, along with the others factors detailed below, warrant granting Mr. Hogeland's motion for a sentence reduction – even to time served.

D. Trial Penalties along with the Other Factors detailed herein Rise to the Level of Extraordinary and Compelling.

Mr. Hogeland submits that the Court should consider the "lengthy sentence he received because of exercising his right to trial" *Owens*, 2021 WL 1811538 at *1, in combination with the other factors detailed in his motion and find that "extraordinary and compelling reasons" exist warranting a sentence reduction – even to time served.

The government being fully aware that Mr. Hogeland had one prior drug felony conviction used his prior conviction to their advantage throughout the plea negotiation phase. Indeed, on October 19, 2007, three (3) months after the Court allowed Mr.

Hogeland to withdraw his guilty plea, the government re-filed "an information charging a prior felony drug conviction pursuant to 21 U.S.C. 851 (a)" in order to enhance Mr. Hogeland's sentence in the event he was found guilty. See: PSR at 4. Because Mr. Hogeland made the decision to withdraw his guilty plea and exercise his right to trial, the government re-submitted an 851 notice indicating that they would be pursuing a mandatory minimum sentence of 20 years on the drug charges. It was due to this type of behavior that in 2010, Attorney General Eric Holder, and the Department of Justice issued a new policy refining its charging policy regarding mandatory minimums for certain non-violent, low level drug offenders. The policy provided that the 851 "enhancement should not be used in plea negotiations for the sole or predominant purpose of inducing a defendant to plead guilty." Indeed, the policy held that "[a] practice of routinely premising the decision to file an 851 enhancement solely on whether a defendant is entering a guilty plea, however, is inappropriate and inconsistent with the spirit of the policy." See: (DOJ Policy on the usage of 851 penalties). It was also due to this abuse of power by the government that led to Congress amending the penalties under 851. See: First step Act. The facts in this case shows that Mr. Hogeland was not involved in a large conspiracy where large amounts of drugs were being distributed. Although, Mr. Hogeland was involved in a serious drug offense, he was not a leader, manager or supervisor of a major drug distribution ring. Indeed, Mr. Hogeland was a "low level-drug dealer." Today, prior felony convictions are rarely used to enhance a defendant's sentence who are considered to be low level drug dealers, especially when they have drug addiction problems like Mr. Hogeland. The fact that the government used the 851 notice as a tool to influence Mr. Hogeland to plead guilty, then re-submit it when he decided to instead, exercise his right to trial, demonstrates an abuse of power by the government, which today should qualify as an "extraordinary and compelling" reason warranting relief.

In light of the Sixth Circuit's recent ruling in Owens, Mr. Hogeland submits that the 20 year mandatory minimum sentence he received for his drug conviction *in addition* to the 30 years he received for other crimes he was convicted of, simply because he chose to exercise his right to a trial, is an extraordinary factor that when *combined* with the other factors detailed herein, demonstrate "extraordinary and compelling reasons" warranting a sentence reduction – even to time served.

Mr. Hogeland respectfully submits that he has been denied justice and due process of law and is hereby requesting minimum wage commutation from the Commonwealth of Pennsylvania.

E. First Step Act Changes to 851 Penalties when combined with the Other Factors detailed herein Rise to the Level of Extraordinary and Compelling.

In light of the changes the First Step Act made to 851 penalties, Mr. Hogeland submits that today he would have been subject to a 15 year mandatory minimum sentence rather than 20 years he was sentenced to. The government in their response to Mr. Hogeland's motion for compassionate release conceded that Mr. Hogeland if sentenced today under the First Step Act would be sentenced to "45 years instead of 50 years." See: Gov't's response at 16. The government argues however, that because the changes made to 851 penalties were not made retroactive, that "that fact does not warrant any relief at this time." *Id. at 16.* While it is true, that such changes were not made retroactive, district courts around the country to include courts within this district, have granted compassionate release motions in part due to the changes made to 851 penalties. See: United States v. Dubois, 2021 U.S. Dist. Lexis 29848 (E.D. Pa. Feb. 17, 2021) (finding that the changes made to 851 penalties along with defendant's rehabilitation warrant granting defendant's compassionate release motion.); See also: *United States v. Swint*, 2021 U.S. Dist. LEXIS 62433 (E.D. Pa. Mar. 31, 2021) (same) (quoting *United States v. McGee*, 2021 U.S. Dist. Lexis 9074 (10th Cir. Mar. 2021) (Where the Court concluded that "the fact that a defendant is serving a pre-First Step Act mandatory life sentence imposed under 841(b)(1)(A)" can, in conjunction with other factors present extraordinary and compelling circumstances)).

Importantly, the Court in *Dubois*, similar to this Court, observed that "at sentencing, after noting defendant's criminal history which includes a number of convictions for drug related crimes, the Court states as follows: Even with your drug crimes and your other criminal conduct . . . a life sentence for the crime of conviction is much too harsh a sentence to impose. It just overstates the seriousness of the offense. And were I given any discretion . . . I would impose a substantially lower sentence." *Id. Dubois.*⁸

Thus, the Court should use its discretion in this case to find that the changes made to 851 penalties in combination with other factors – especially Mr. Hogeland's unique level of rehabilitation, "extraordinary and compelling reasons" exist warranting a sentence reduction – even to time served. See: Clausen, 2020 U.S. LEXIS 131070 (E.D. Pa. July 24,

⁸ As indicated above, the Court noted for the record at sentencing, that the sentence Mr. Hogeland was exposed to, was "well in excess of what" the Court would have imposed if the Court "weren't bound by the statutory mandatory minimums . . ." See: Sent Trans. at 16-17.

2020) (finding that “nothing prevents the Court from concluding that a combination of factors, including rehabilitation, can together establish extraordinary and compelling reasons.”).

And finally, although the changes made by the First Step Act to 851 penalties would reduce Mr. Hogeland’s sentence by 5 years (from 20 year mandatory minimum to 15 year mandatory minimum) if he were sentenced today, the Court has the “authority to reduce [a defendant’s] sentence to a length it deems appropriate, even if that length is shorter than the current mandatory minimum.” *Id. Dubois*. Indeed, “[s]everal other district courts including one in this District, [] have reduced sentences to below the current mandatory minimum in granting compassionate release.” *Id. Dubois*. (Referencing *Rodriguez*, 2020 U.S. Dist. LEXIS 58718 (E.D. Pa. Apr. 1, 2020) (Where the Court sentenced defendant under the current mandatory minimum despite Rodriguez’s “history involving a serious conviction for drug dealing as well as the firearm offenses” The Court determined that the seventeen years Rodriguez served “is a long time – long enough to reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, afford adequate deterrence to criminal conduct, and protect the public.”))

F. Avoidance of Unwarranted Sentencing Disparity Among Defendants Constitutes “Extraordinary and Compelling Reasons” Supportive of a Sentence Reduction.

Allowing Mr. Hogeland’s *de facto* life sentence to remain unchanged precipitates a circumstance of unwarranted sentencing disparity. As the Third Circuit has observed in *United States v. Bard*, 802 Fed. Appx. 691, 2020 U.S. App. LEXIS 4437 (Feb. 2020) (“18 U.S.C. 3553(a)(6) instructs courts to consider the need to avoid unwarranted sentence disparities, among defendants with similar records who have been found guilty of similar conduct. Under this framework, disparity sentences are allowed where the disparity is explicable by the facts on the record. While Mr. Hogeland does not minimize his past conduct, it bears emphasizing that since the passing of the First Step Act, courts around the country continue to grant compassionate release motions brought by defendants whose crimes are far more serious than Mr. Hogeland. Although, Congress specifically focused on a national disparity involving defendants with similar records who have been found guilty of similar conduct, this does not preclude the Court from comparing Mr. Hogeland’s sentence to those sentences of defendants who have committed far worse crimes than Mr. Hogeland, but have received sentence reductions – even to time served under 3582(C)(1)(A). The following cases demonstrate an unwarranted sentence disparity:

The decision in *United States v. Quinones*, 2021 WL 797835 (S.D.N.Y. Feb. 27, 2021) is one prime example. *Quinones*, involved Alan Quinones, who was the head of an organization “in the Bronx and elsewhere” that was “focused in the distribution of cocaine and heroin.” *Id.* at *1. Once he was arrested, Quinones and an associate retaliated against a *confidential informant* by having him killed. The informant’s death was preceded by brutal torture. *Id.* At trial, Quinones and his associates faced the death penalty, but ultimately received a sentence of life imprisonment. *Id.* Despite a letter written by the murder victim’s mother “registering her opposition to any sentence reduction,” the court ultimately reduced Mr. Quinones’s sentence to a “term of 35 years’ imprisonment, to be followed by lifetime supervised release.” *Id.* (Quinones’s sentence was reduced in part due to his transformation).

Prior to the decision in *Quinones*, the court granted *Quinones*’s codefendant Diego Rodriguez’ compassionate release motion. See: United States v. Rodriguez, F.Supp.3d, 2020 WL 5810161 (S.D.N.Y. 2020). Diego Rodriguez was Quinones’ “chief lieutenant.” Like *Quinones*, the court reduced Rodriguez’s sentence to 30 years’ followed by a lifetime of supervision. *Id.* (Rodriguez’s sentence was reduced in part due to his transformation).

Similarly, the defendant in *United States v. Underwood*, 2021 U.S. Dist. LEXIS 8378 at *2 (Jan. 15, 2021, S.D.N.Y.), was the head of a violent drug distribution organization based in West Harlem. “The group was responsible for at least five murders, and one attempted murder, committed at Underwood’s direction. These murders were brutal and calculated, aimed specifically at ‘eliminating and intimidating competitors, informants, and actual or potential witnesses.’” *Id.* (emphasis added) (*Underwood*’s sentence was reduced in part due to his transformation).

Other courts have reached similar results. See: United States v. Perez, No. 3:02-CR-7 (JBA) 2021 U.S. Dist. LEXIS 41040 (D. Conn. Mar. 4, 2021). After a jury trial the defendant (*Perez*) was convicted on four counts related to the murder of Theodore Casiano. The defendant was found guilty in violation of 18 U.S.C. 1958 (Interstate Murder for hire); 18 U.S.C. 1958 & 2 (Aiding and Abetting); 18 U.S.C. 1959(a)(1) & 2 (Racketeering – Aiding and Abetting) and 18 U.S.C. 924(C)(J)(1) & 2 (Causing Death by use of a Firearm). The defendant was sentenced to life. He ultimately served 23 years. Importantly, the government agreed “that releasing defendant after twenty three years of incarceration does not present a risk to the public.” (emphasis added) (*Perez*’s sentence was reduced in part due to his transformation). See also: United States v. Rios, 2020 U.S. Dist. LEXIS 230074, 2020 WL 7246440 (D. Conn. Dec. 8, 2020). The defendant (*Rios*) was a Latin King Member. After a jury trial, defendant was convicted of violating

18 U.S.C. 1962(C) (RICO) 18 U.S.C. 1962(d) (Rico conspiracy); 18 U.S.C. 1959(a)(1) (VICAR – Murder). The defendant received three life sentences. He ultimately received a sentence reduction from three-life sentences to 360 months. The defendant had served 26 years at the time when he filed for compassionate release. (Rios's sentence was reduced in part due to his transformation); *United States v. Douglas*, 2021 WL 214563 at *1 (D.D.C. Jan. 21, 2021), involved a defendant who had “served almost fifty month of a 120 month sentence for second degree murder in connection with the 1990 killing of Anthony Morrisey, imposed in 2012 to run consecutive to a state sentence he was serving in New York for a different homicide offense.” (Douglas’s sentence was reduced in part due to his transformation); *United States v. Bass*, 2021 U.S. Dist. LEXIS 11719, No. 97-80235-1 (E.D. Mich. Jan. 22, 2021), involved a defendant who had 5 prior felony convictions and was found guilty by a jury trial for conspiracy to distribute 50 kilos or more of crack cocaine, and murder in connection to his drug trafficking. The defendant was 34 years of age when the crime was committed and he was the head of the organization. He received two concurrent life sentences, but his compassionate release motion was granted resulting in a sentence of time served after serving 22 years. (emphasis added) (Bass’s sentence was reduced in part due to his transformation). And finally, *United States v. Greene*, 2021 Dist. LEXIS 19243, No. 71-CR-1913 (KBJ) (D.D.C. Feb. 2, 2021), involved a defendant who disarmed three Marshals, to help his brother escape from a furlough. The defendant shot and killed a fourth Marshal. The defendant’s actions were nothing less than “horrific.” *Id.* The defendant was 23 years of age when the crime was committed, and after serving 49 years, the court granted his motion for compassionate release resulting in a sentence of time served. (emphasis added) (Greene’s sentence was reduced in part due to his transformation).⁹

Notably, the defendants in the cases cited above received sentence reductions *in part*, because of the overwhelming evidence of their level of rehabilitation/*transformation*. Mr. Hogeland’s level of rehabilitation is similar in part, if not more unique to these cases. In fact, most of these defendants have received disciplinary write ups, while Mr. Hogeland has managed to receive none. And unlike Mr. Hogeland, some

⁹ If his sentence is left unchanged, Mr. Hogeland will end up serving more than double the National Average Sentence for Murder in fiscal year 2019, which was approximately 21 years’ incarceration. See: (*Statistical Information packet Fiscal Year 2019 Seventh Cir. U.S. Sentencing Comm’n, Table 7*, Apr. 2020).

of the defendants in the cases cited above were designated as leaders, had a worse criminal record than him, and not one of them demonstrated any remorse at sentencing for their *horrific* conduct. Allowing Mr. Hogeland's sentence to remain unchanged will result in Mr. Hogeland serving *more than double* the amount of time served by some of the defendants in the cases cited above, who have a similar or worse record than Mr. Hogeland, and who have been found guilty of far worse conduct than Mr. Hogeland. Even though, 3582(C)(1)(A) instructs courts to assess each defendant under an individualized manner, there can be no doubt, after reviewing Mr. Hogeland's extraordinary and compelling circumstances, that a sentence of 50 years under today's climate is way beyond the pale of a sentence that would be considered "significant but not greater than necessary." This perception is clearly supported by the fact, that since the passing of the First Step Act, numerous defendants who have a worse record and who have been found guilty of worse conduct than Mr. Hogeland, continue to receive sentence reductions – even to times served. Thus, Mr. Hogeland respectfully requests that the Court find, similar to other courts, that the sentencing disparities illustrated above, along with the changes in law, and the injustice of his lengthy sentence, when combined with the other factors detailed herein, demonstrate "extraordinary and compelling reasons" warranting a sentence reduction – even to time served. See: *United States v. Conley*, 2021 U.S. Dist. LEXIS 40763 (N.D. ILL. Mar. 4, 2021) ("Several federal courts have considered sentencing disparities, changes in law, and injustices of lengthy sentences when granting compassionate release motions.") (Citing: *Brooker*, 976 F. 3d. at 238 (2nd Cir. 2020); *McCoy*, 981 F. 3d. at 271, 286 (4th Cir. 2020); *United States v. Haynes*, 456 F. Supp. 3d. 496, 514 (E.D. N.Y. 2020); and *United States v. Cano*, 2020 U.S. Dist. LEXIS 239859 (S.D. Fla. Dec. 16, 2020).

VIII. 3553(a) Factors Weigh in Favor of Granting Mr. Hogeland's Motion for Sentence Reduction.

For substantially the same reasons identified above, the Court should conclude that the 18 U.S.C. 3553(a) factors weigh in favor of reducing Mr. Hogeland's sentence. Mr. Hogeland has served 20 years (adding GTC) in custody. This is a substantial sentence by any measure, especially, when considering that Mr. Hogeland is no longer a threat to the public.¹⁰ Indeed, Mr. Hogeland's prison record makes clear that he is fully

¹⁰ Remarkably, Mr. Hogeland's "Overall Male Pattern Risk Level" reflects "Minimum." This is the lowest risk level available. See: Ex A-38.

rehabilitated and that the Court's sentence has had the hoped for deterrent effect. Further evidence supporting that Mr. Hogeland is not a danger to the public is his well-developed release plan. Upon release, Mr. Hogeland will reside with his father as his care-taker and as indicated above, he will work as a fulltime plumber for "Tinneny Plumbing & Heating Inc." See: Ex A-17.

Further, and as indicated above, Mr. Hogeland is completely remorseful for his past behavior. Mr. Hogeland in his own words expresses his remorse as follows:

I thank God that I am before you once again, and I pray that the impact you have made in my life comes across in this letter/motion. I know that ultimately the only thing I can do to change the past is to continue to work on positive changes for the future. I realize the destructive nature of my actions and I am remorseful and repentant of them. How the repercussions of them affected more people than I ever imagined. How selfish, immature, and unthoughtful they truly were . . . My intentions are to continue to try to touch lives in the midst of life's adversities, wherever that may be. I am wholeheartedly thankful for any and all consideration that I may receive and welcome whatever Your Honor decides.

See: Ex A-39 (Mr. Hogeland's Letter to the Court).

In light of the aforementioned, the Court should find that the 20 years (adding Good Time Credit) Mr. Hogeland has served "is a long time – long enough to reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, afford adequate deterrence to criminal conduct, and protect the public." Rodriguez Supra. (E.D. Pa. Apr. 1, 2020). This is especially true in light of the relatively harsher conditions of confinement that Mr. Hogeland had to experience as a result of the pandemic.

As a fully rehabilitated individual, further incarceration cannot be expected to have any additional deterrent effect and is outweighed by the positive contributions Mr. Hogeland can make to society as a minister.

If the Court were to disagree that 20 years is not enough of a punishment, the Court should agree that a "significant" sentence reduction is warranted – one that will not be considered "greater than necessary" and will reflect the offense.

In sum, Mr. Hogeland has clearly *transformed* himself through education, appropriate programming, religious practice, and by assisting others and staying out of trouble. At this point, and under the circumstances presented above, a 50 year *de facto* life sentence is no longer necessary. Further, it is worth making the argument that under today's circumstances, an individual who commits the same crime Mr. Hogeland

had committed, will more than likely not receive a 50 year sentence. Thus, the climate as it functions today in our criminal justice system invites the Court to question whether Mr. Hogeland is serving an unusually lengthy sentence. In any event, it is clear based on the evidence presented above that allowing Mr. Hogeland's sentence to remain unchanged will precipitate an unwarranted sentence disparity among defendants with similar or worse records who were found guilty of far worse conduct than Mr. Hogeland; and if left unchanged, Mr. Hogeland will be serving an unusually lengthy sentence, which in all respect amounts to a death sentence, which under the circumstances presented above, is a punishment that is "greater than necessary."

CONCLUSION

For the reasons stated above, Mr. Hogeland respectfully requests that the Court grant his motion for compassionate release and impose a sentence of time served, or in the alternative, reduce his sentence to a term the Court deems appropriate.

Eastern District of Pennsylvania,

Friday, June 18, 2021

Submitted by:

James Hogeland (59573-066)

FCI Fairton

POBOX 420

Fairton, New Jersey

08320

EXHIBIT A-1

FAIJM 540*23 *
PAGE 001 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 06-12-2021

REGNO.: 59573-066 NAME: HOGELAND, JAMES

FBI NO.....: 223973AA1
ARS1.....: FAI/A-DES
UNIT.....: C
DETAINERS.....: NO

DATE OF BIRTH: 12-28-1961 AGE: 59
QUARTERS.....: C01-131L
NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 08-21-2046

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 02-21-2047 VIA GCT REL

-----COURT OF JURISDICTION.....: PENNSYLVANIA, EASTERN DISTRICT
DOCKET NUMBER.....: 05-CR-162
JUDGE.....: DIAMOND
DATE SENTENCED/PROBATION IMPOSED: 04-22-2008
DATE COMMITTED.....: 07-01-2008
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$700.00	\$00.00	\$2,500.00	\$00.00
RESTITUTION....:	PROPERTY: NO	SERVICES: NO	AMOUNT: \$00.00	

-----COURT OBLIGATION NO: 010 -----
OFFENSE CODE....: 383 21:841 SCH II NON-NARCOTIC
OFF/CHG: 21:841(A) (1), (B) (1) (A) PWITD 50G OR MORE OF METH. CT.1; 18:922(G)
(1) FELON IN POSSESSION OF A FIREARM CT.4; 26:5845(A), 5861(D) &
5871 POSSESSION OF AN UNREGISTERED FIREARM CT.5-7; 18:922(K) &
924(A) (1) (B) POSSESSION OF FIREARM W/OBLITERATED SERIAL NUMBER
CT.8

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 240 MONTHS
TERM OF SUPERVISION.....: 10 YEARS
DATE OF OFFENSE.....: 07-15-2004

G0002

MORE PAGES TO FOLLOW . . .

FAIJM 540*23 *
PAGE 002 *

SENTENCE MONITORING *
COMPUTATION DATA *
AS OF 06-12-2021

* 06-12-2021 *
* 13:05:56

REGNO...: 59573-066 NAME: HOGELAND, JAMES

CURRENT OBLIGATION NO: 020
OFFENSE CODE....: 130 18:924(C) FIREARMS LAWS
OFF/CHG: 18:924(C) (1) POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG
TRAFFICKING CRIME CT.2-3

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 360 MONTHS
TERM OF SUPERVISION.....: 10 YEARS
DATE OF OFFENSE.....: 07-15-2004

CURRENT COMPUTATION NO: 010

COMPUTATION 010 WAS LAST UPDATED ON 04-28-2020 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 08-18-2008 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.....: 04-22-2008
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA
TOTAL TERM IN EFFECT.....: 600 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 50 YEARS
AGGREGATED TERM OF SUPERVISION...: 10 YEARS
EARLIEST DATE OF OFFENSE.....: 07-15-2004

JAIL CREDIT.....: FROM DATE / THRU DATE /
07-15-2004 / 04-21-2008

G0002

MORE PAGES TO FOLLOW . . .

FAIJM 540*23 *
PAGE 003 OF 003 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 06-12-2021

* 06-12-2021
* 13:05:56

REGNO.: 59573-066 NAME: HOGELAND, JAMES

TOTAL PRIOR CREDIT TIME.....: 1377
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 2700
TOTAL GCT EARNED.....: 864
STATUTORY RELEASE DATE PROJECTED: 02-21-2047
ELDERLY OFFENDER TWO THIRDS DATE: 11-14-2037
EXPIRATION FULL TERM DATE.....: 07-14-2054
TIME SERVED.....: 16 YEARS 10 MONTHS 29 DAYS
PERCENTAGE OF FULL TERM SERVED...: 33.8
PERCENT OF STATUTORY TERM SERVED: 39.6

PROJECTED SATISFACTION DATE....: 02-21-2047
PROJECTED SATISFACTION METHOD...: GCT REL

REMARKS.....: INITIAL COMP
04-28-20 FSA DCT UPDATE 4/STH.

G0000 TRANSACTION SUCCESSFULLY COMPLETED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT

EXHIBIT B-1

JAMES

HOGELAND

CASE # 05-00162-01

- VS -

UNITED STATES OF
AMERICA

HONORABLE DISTRICT COURT

JUDGE PAUL S. DIAMOND

MOTION TO MODIFY SENTENCE

PURSUANT TO 18 USC. 3582 (c)(1)(A)

COMES THE DEFENDANT JAMES HOGELAND, PRO-SE
IN THE CASE. I HUMBLY AND RESPECTFULLY BEG
THE COURTS PATIENCE AND LENIENCY, AS I AM
UNSKILLED IN THE LAW, AND WE ARE IN EXTREMELY
DIFFICULT TIMES IN THE INSTITUTION AND IN THE
WORLD.

THE ORIGINAL "REQUEST TO STAFF" TO THE WARDEN
WENT UNADDRESSED. (EXHIBIT A)

I HAVE BEEN INCARCERATED FOR MY CRIMES SINCE
JULY 15th 2004. WITH 16 YEARS IN, I PRAY THE
COURT TAKES THE TIME TO LOOK AT MY RECORD AND
WEIGH THE POSSIBILITY OF REDUCING MY SENTENCE
THROUGH EXTRAORDINARY AND COMPELLING CIRCUMSTANCES.

IN THE SUPERSEDING INDICTMENT THE CHARGES WERE ENHANCED WITH 851 ENHANCEMENTS DOUBLING THE ORIGINAL CHARGES. WITH 924 (C) CHARGES BEING ADDRESSED DIFFERENTLY NOW, I PERCEIVABLY COULD HAVE RECEIVED LESS TIME IF SENTENCED NOW.

EVEN THOUGH AT THE BEGINNING OF TRIAL I ADMITTED MY GUILT, I FEEL I WAS PUNISHED FOR EXERCISING MY RIGHTS. NEVER EVEN RECEIVED CREDIT FOR ACCEPTANCE OF RESPONSIBILITY. IN TOTALITY THOUGH, IF I WOULD HAVE KEPT THE PLEA, I WOULD BE GETTING OUT NOW.

I AM CURRENTLY 58 YEARS OLD, AND MAY BE ON THE LOWER END OF THE BOP'S GUIDELINES. BUT SEEM TO BE RIGHT IN THE MIDDLE OF COVID-19'S AFFECTED RANGE. I WAS TAKING MEDICATION FOR HIGH-CHOLESTEROL, BUT HAVE BEEN TRYING TO ADDRESS THAT WITH DIET AND EXERCISE. I HAVE SOME DIFFICULTY BREATHING, WITH CHRONIC CONGESTION, AND SLEEP APNEA. I AM SUPPOSED TO DO A SLEEP STUDY FOR A CPAP MACHINE, BUT THAT SEEMS TO BE ON HOLD WITH THE VIRUS TAKING PRECEDENT (WE HAVE BEEN ON LOCK-DOWN, I SMOKED FOR 30 YEARS BEFORE I WAS INCARCERATED, SNORTED DRUGS FOR 20 YEARS (APPROX.), AND WAS ON A HANDFUL OF JOBS THAT WERE SHUT DOWN BECAUSE OF ASBESTOS EXPOSURE WHEN I WAS AN APPRENTICE PLUMBER IN THE 80'S).

ALTHOUGH NEVER DIAGNOSED BY THE BOP, I AM SURE THERE ARE UNDERLYING PROBLEMS THAT WOULD MAKE ME VULNERABLE UNDER CURRENT CONDITIONS.

RELEASE PLAN

MY FATHER WOULD TRULY APPRECIATE ME LIVING WITH HIM. HE IS 86 YEARS OLD AND ALONE SINCE MY MOTHER'S PASSING. (EXHIBIT B) FROM THERE I COULD WALK TO WORK, AS MY PREVIOUS BOSS GRACIOUSLY SAID HE WOULD RE-HIRE ME. (EXHIBIT C)

* NOT EVEN A FULL BLOCK 310 FOUNTAIN ST TO 404 FOUNTAIN ST *

* MY BROTHER ALSO LIVES LOCAL AND EXTENDED HOSPITALITY TO ME TOO. (EXHIBIT D)

WHEN I FIRST GOT LOCKED-UP, SOMEONE OFFERED ME A BIBLE, I ACCEPTED IT, BUT THOUGHT THAT 12 YEARS OF CATHOLIC SCHOOLING WAS ALL I NEEDED. I SOON FOUND OUT HOW WRONG I WAS, I WAS EVEN MORE AMAZED AT JUST HOW MUCH OF A "GOOD PERSON" I WASN'T.

FINDING SOME CORRESPONDANCE COURSES, AT FIRST TO HELP OCCUPY MY TIME, I AM AMAZED AT HOW MUCH MORE THEY HAVE DONE. WHEN I GOT TO FDC PHILLY I CONTINUED TO DO THEM. (EXHIBIT) I FOUND OUT ABOUT THE SUICIDE COMPANION PROGRAM AND VOLUNTEERED FOR THAT. (EXHIBIT)

ALONG WITH THAT, THEY FOUND OUT THAT I AM A UNION PLUMBER. THEY ASKED ME TO CONVERT A COUPLE OF CELLS FOR OBSERVATION. REMOVING SINK + TOILETS + REPLACING THEM WITH STAINLESS STEEL^{PARTIAL}. I APPRECIATED THE WORK AND ALSO FEELING PRODUCTIVE. I ALSO SAW THE OPPORTUNITY TO AND VOLUNTEERED FOR NUMEROUS RECREATION ACTIVITIES. (EXHIBIT) THEY ALSO ASKED ME TO MENTOR SOMEONE WHO WAS PRONE TO CUTTING HIMSELF, AND WE BECAME CELMATES.

AFTER SENTENCING AND LEAVING FDC. PHILA I ARRIVED AT U.S.P. LEWISBURG. THEY WERE APPROACHING CONVERSION TO THE SMU PROGRAM. I WAS TOLD BY THE UNIT TEAM TO "NOT GET COMFORTABLE" AS THE MAJORITY OF INMATES WERE SLATED TO BE RELOCATED. AFTER FINDING OUT MY PLUMBING EXPERIENCE AND CHECKING WITH STAFF FROM PHILA. THEY ASKED ME TO BECOME A CHORE WORKER AND SOON AFTER "EMERGENCY PLUMBER". WE CHANGED OUT HUNDREDS OF SINKS + TOILETS AND STAYED BUSY KEEPING THE 85 YEAR OLD INSTITUTION WORKING. I ALSO CONTINUED TO BE A SUICIDE COMPANION THERE. (EXHIBIT)

THE CHAPLAIN THERE WANTED TO INSTITUTE A BIBLE STUDY PROGRAM TO THE SMU AND ASKED A FEW OF US TO TAKE IT SO WE COULD HELP GRADE TESTS. WE DID ASSIST IN HELPING QUITE A FEW PEOPLE ACHIEVE BACHELORS DEGREES, BUT AS THAT CHAPLAIN LEFT IT DIDN'T TAKE ROOT IN THE SMU (EXHIBIT)

WE DID INITIATE ANOTHER COURSE, AN INTERNATIONAL COURSE WITH DVD'S. IT NOT ONLY TOOK ROOT, IT HAS FLOURISHED. NUMEROUS MEN HAVE BEEN BLESSED TO RECEIVE ASSOCIATE DEGREES. THERE HAVE BEEN A FEW TO TAKE IT TO BACHELORS. IT HAS REACHED 5 DIFFERENT INSTITUTIONS AND IS IN THE PROCESS OF BECOMING EVIDENCE BASED AND APPROVED FOR THE FIRST STEP ACT (EXHIBIT)

I COULD SAY THAT I WAS BLESSED AGAIN, AS I NEEDED TO GET CLOSER TO MY FAMILY, THE TRANSFER WENT THROUGH WITHOUT A HITCH.(TO FCI FAIRTON) I GOT INTO UNICOR ALMOST IMMEDIATELY AND THEN THE QUALITY CONTROL DEPT. EDUCATION UNICOR PRESENTED AN OPPORTUNITY TO TAKE THE ASQ CERTIFIED QUALITY IMPROVEMENT ASSOCIATE TEST, WHICH TRULY WAS A BLESSING. HALF OF US PASSED AND TRUTHFULLY I WOULD LOVE TO BE ABLE TO PURSUE THIS FURTHER.(EXHIBIT)

THE CHAPLAIN HERE WAS ALSO INTERESTED IN THE INTERNATIONAL MINISTRY AND WE HAVE GOTTEN THROUGH THE ASSOCIATES AND JUST STARTED THE BACHELORS WHEN THE VIRUS HIT.

THROUGH ALL OF THIS, I HAVE NEVER RECEIVED AN INFRACTION, AND RECENTLY MADE FINAL PAYMENT ON MY FINES.

ONCE AGAIN I WOULD LIKE TO THANK THE COURTS FOR ALL OF YOUR PATIENCE AND TIME. I TRIED TO BE AS CONCISE AS POSSIBLE EXPLAINING SOME OF THE EXHIBITS PERTINANT TO THE LAST 16 YEARS

IN CLOSING, I WOULD LIKE TO ADD. AT ONE TIME, I MAY HAVE BEEN OF THE IMPRESSION THAT MINE WAS A VICTIMLESS CRIME. I REALIZE NOW THAT COULDN'T BE FURTHER FROM THE TRUTH. THE LIFESTYLE THAT I WAS LIVING AND PROMOTING TEARS AT THE VERY FABRIC OF SOCIETY. ALTHOUGH WE ALL DO NEED "HELP" IN ACHIEVING AND REALIZING THE AMERICAN DREAM. THAT HELP HAS TO COME FROM ON HIGH AND OTHERS, NOT FROM ANY DRUG. FOR THIS I AM TRUELY SORRY. IN REPENTING FROM MY FORMER WAYS, I AM OF A BELIEF THAT ULTIMATELY THE BEST WAY TO MAKE AMMENDS IS IN YOUTH MINISTRY. IF (WHEN) THAT DOOR IS OPENED, I WILL FEEL THAT TRUELY I HAVE COME A FULL 180. UNTIL THAT TIME I WILL CONTINUE TO DO WHATEVER GOD PUTS BEFORE ME, AND PRAY FOR THE BLESSINGS OF FERTILE SOIL TO DROP HIS SEEDS.

THANK YOU ONCE AGAIN
AND GOD BLESS YOU

James Hageland
J 59573-066

UNICOR
U.S. DEPARTMENT OF JUSTICE

INMATE REQUEST TO STAFF

TO: (NAME AND TITLE OF STAFF MEMBER) MR THOMAS E. BERGAMINI / WARDEN	DATE: 9/10/20
NAME: JAMES HOGLAND	REGISTER NO: 59573-066
WORK ASSIGNMENT: UNICOR / FINAL QA	UNIT: C-LEFT CELL 131

SUBJECT: Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

THIS IS A PLEA TO THE WARDEN FOR COMPASSIONATE RELEASE. I HAVE SOME MEDICAL ISSUES, SLEEP APNEA, CHRONIC CONGESTION, HIGH CHOLESTEROL, WAS SUBJECTED TO ASBESTOS IN THE 1980'S. I AM 59 YEARS OLD AND VULNERABLE AT LEAST UNDER THE CURRENT CONDITIONS. I BELIEVE MY IMPPECABLE RECORD WARRANTS AT LEAST CONSIDERATION, AND FURTHER EXAMINATION. I THANK YOU AND WOULD GLADLY PROVIDE ANY INFORMATION TO ASSIST AND EXPEDITE THIS PROCESS...

(Do not write below this line)

**JAMES HOGLAND 59573-066
(OVER)**

Signature staff member	Date
------------------------	------

Record Copy - File; Copy - Inmate
(this form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86 and BP-s148.070

Apr-94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PRIVACY FOLDER

I HAVE BEEN INCARCERATED FOR 16+ YEARS. IN AUGUST OF 2008 I WAS SENT TO LEWISBURG AND ASSISTED IN THE CONVERSION TO A SMU PROGRAM. I STAYED THERE AS THE ON CALL EMERGENCY PLUMBER UNTIL APRIL 2018. WHILE THERE I RECEIVED A BACHELORS DEGREE IN BIBLICAL STUDIES, AND FACILITATED OTHERS TO ALSO. I HAVE ALSO COMPLETED NUMEROUS CORRESPONDANCE COURSES AND HAVE DONE MY BEST TO UTILIZE THE TIME I HAVE BEEN GIVEN TO NOT ONLY BE A BETTER INFLUENCE, BUT TO HELP OTHERS TOO ALSO. SINCE I HAVE BEEN AT FAIRDALE, I WAS BLESSED TO GET RIGHT INTO UNICOR. ALSO TO TAKE THE ASQ TEST THROUGH EDUCATION/UNICOR AND PASS. I WOULD LIKE TO FURTHER THIS CAREER OPTION WHEN RELEASED, BUT IF NOT I DO HAVE A STANDING OFFER WITH MY OLD EMPLOYER. HE HAS SENT A LETTER ALSO MY FATHER WITH RESIDENCE. WITH THIS I HAVE A PLACE OF RESIDENCE, PROMISE OF EMPLOYMENT IN GREAT PROXIMITY, AND A PLAN. I THANK YOU IN ADVANCE FOR ANY AND ALL CONSIDERATION IN THIS COMPASSIONATE RELEASE, 3582 (C)(1)(A), AND WOULD VALUE THE OPPORTUNITY TO BECOME A MORE PRODUCTIVE MEMBER OF SOCIETY, AND POSSIBLY ALSO BEGIN TO REVERSE THE INFLUENCES OF PREVIOUS BAD DECISIONS.

THANK YOU

James Hogeland 59573-06

EXHIBIT A-2

FAIJM *
PAGE 001 OF 001 *

INMATE EDUCATION DATA
TRANSCRIPT

REGISTER NO: 59573-066
FORMAT.....: TRANSCRIPT

NAME...: HOGELAND
RSP OF: FAI-FAIRTON FCI

FONC. FCI

EDUCATION INFORMATION

FACL ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
FAI ESL HAS ENGLISH PROFICIENT	07-07-2008 1301	CURRENT
FAI GED HAS COMPLETED GED OR HS DIPLOMA	10-27-2008 1434	CURRENT

EDUCATION COURSES

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
FAI	CERT QUALITY IMPROVEMENT ASSOC	02-15-2019	05-02-2019	P	C	P	16
LEW	USP REC PLYOMETRICS CLASS	09-06-2017	11-08-2017	P	C	P	2
LEW	INDEPEND.COLLEGE CORRESPONENCE	06-14-2014	01-14-2016	P	C	P	520
LEW	BASIC FITNESS 2014	03-23-2014	03-23-2014	P	C	P	10
LEW	INDEPEND.COLLEGE CORRESPONENCE	09-05-2010	09-05-2013	P	C	P	720
LEW	BEG UNFIT TO FIT CLASS 2011	04-03-2011	05-23-2011	P	C	P	7
LEW	ELLIPTICAL A 2011	04-03-2011	05-23-2011	P	C	P	7
LEW	SPINNING CLASS	07-27-2009	08-21-2009	P	C	P	16
PHL M	5N TEETH WELLNESS CLASS	02-05-2008	02-05-2008	P	C	P	1
PHL M	5N HEART MONITOR	04-15-2008	04-15-2008	P	C	P	2
PHL M	5N THE EAR CLASS	01-09-2008	01-09-2008	P	C	P	1
PHL M	7S THE GLANDS & HORMONES CLASS	11-17-2007	11-17-2007	P	C	P	1
PHL M	BODY FAT % & BODY MASS INDEX	03-14-2007	03-14-2007	P	C	P	2
PHL M	7S THE HEART CLASS	10-17-2007	10-17-2007	P	C	P	1
PHL M	7S THE BRAIN CLASS	08-15-2007	08-15-2007	P	C	P	1
PHL M	BODY FAT % & BODY MASS INDEX	09-12-2006	09-12-2006	P	C	P	1
PHL M	7S TEETH WELLNESS CLASS	05-16-2007	05-16-2007	P	C	P	1
PHL M	7S FOOD MACHINE WELLNESS CLASS	12-12-2006	12-12-2006	P	C	P	1
PHL M	INTRO TO HIGH BLOOD PRESSURE	02-14-2007	02-14-2007	P	C	P	1
PHL M	7S THE EAR CLASS	01-16-2007	01-16-2007	P	C	P	1
PHL M	7S STRETCHING CLASS	10-17-2006	10-17-2006	P	C	P	1
PHL M	7S THE MUSCLES & BONES CLASS	07-17-2006	07-17-2006	P	C	P	1
PHL M	7S THE FOOD MACHINE CLASS	06-20-2006	06-20-2006	P	C	P	1
PHL M	7S TEETH WELLNESS CLASS	06-14-2006	06-14-2006	P	C	P	1
PHL M	7S THE BRAIN CLASS	05-14-2006	05-14-2006	P	C	P	1
PHL M	7S THE HEART CLASS	05-13-2006	05-13-2006	P	C	P	1
PHL M	WELLNESS CLASS	04-06-2006	04-06-2006	P	C	P	1
PHL M	VOLLEYBALL OFFICIAL TRAINING	03-05-2006	03-05-2006	P	C	P	2
PHL M	7S HEART MONITOR	03-13-2006	03-13-2006	P	C	P	2
PHL M	BLOOD SUGAR CLASS	02-26-2006	02-26-2006	P	C	P	1

G0000

TRANSACTION SUCCESSFULLY COMPLETED

CERTIFICATE OF COMPLETION

USP Lewisburg, Pennsylvania

JAMES HOGELEND

has completed the
DRUG EDUCATION PROGRAM

*and is awarded this certificate
this 22nd day of March 2011*

T. Dyroff

Drug Treatment Specialist

L. Karpen, Ph.D.

Chief Psychologist

THIS CERTIFIES THAT

James Hogeland

has successfully completed the course and examination for

10-HOUR GENERAL INDUSTRY SAFETY & HEALTH

February 03 & 10, 2011

Introduction to OSHA
Lockout/Tagout
PPE
Personal Protection Equipment
Means of Egress
Walking/Working Surfaces
Flammable and Combustible Liquids Electrical
Machine Guarding
Hazard Communication


Safety and Health Instructors

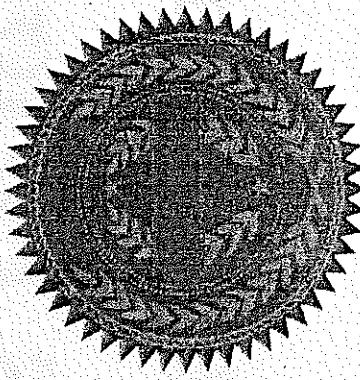
Certificate of Achievement

awarded to

Hogeland #59573-066

for

Plyometric Training & Fitness (USP Lewisburg)



M. Zott / MZ

Signature

10-11-2017

Date

Certificate of Completion

James Hogeland

has completed a 16 hour group in

Mindfulness-Based Stress Reduction

A stress management program including meditation and yoga,

FDC Philadelphia

Monday, March 26, 2007.

Dana P. Reinhold, Ph.D.

Dana P. Reinhold, Ph.D.

Mental Health Unit Psychologist

Award of Distinction

YOUTHFUL DEDICATED

James T. Cogeland

Federal Detention Center, Philadelphia, PA
For Volunteering as a Recreation Aide

for the King Holiday Weekend

Total of 4 hours

Recreation Department

L. McAdoo, Recreation Specialist

VASS © COPYRIGHT 2001, HAYES SCHOOL PUBLISHING CO., INC., PITTSBURGH, PA.

January 19, 2008

Certificate of Completion

THIS CERTIFICATE VERIFIES THAT

JAMES HOGELEND

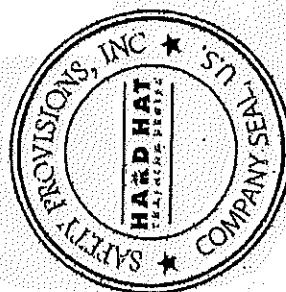
HAS SUCCESSFULLY COMPLETED:
**CONFINED SPACE ENTRY-GENERAL INDUSTRY AND CONSTRUCTION
LADDER SAFETY
FALL PROTECTION**

in accordance with federal, state/provincial, local, and company requirements

SEPTEMBER 20, 2017

R. HICKS, ESCA, CESCO, SSH C/G

R. DRICK, SCS



OSHA
COMPLIANT TRAINING

CERTIFICATE OF PARTICIPATION

THIS CONFIRMS THAT

JAMES HOGEIAND

Participated in a process group for the book

Healing for Damaged Emotions

by David A. Seamands

at USSP Lewisburg



T. LEININGER, CHAPLAIN
3/20/2018

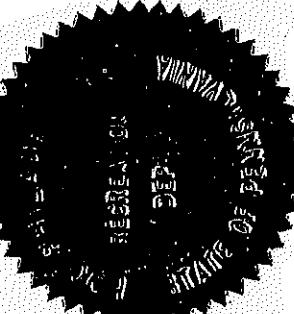
EXHIBIT H

Award of Distinction

awarded to:

James J. Cogeland

Federal Detention Center, Philadelphia, PA
For Volunteering 112 hours as Recreation Aid
for the Recreation Department during January 2007



January 2007

L. McAdoo
Date *1/12/07*
L. McAdoo, Recreation Specialist

EXHIBIT A-4

UNICOR WORK PERFORMANCE EVALUATION RECORD

Name HOGELAND, JAMES Unit: Factory Register Number 59573-066

475

INSTITUTIONAL CODE

1101

INDUSTRY CODE

209.687.022

WORK ASSIGNMENT DOT CODE

M	M	D	D	Y	Y
01	71	01	11	11	9
EVALUATION BEGIN DATE					

M	M	D	D	Y	Y
11	21	31	11	11	9
EVALUATION END DATE					

Rating Scale: 1 = Much Worse Than Average

2 = Worse Than Average

3 = Average

4 = Better Than Average

5 = Much Better Than Average

(J.H.)

Inmates Initials

Safety	5	Quality Assurance	5	Personal Conduct/Hygiene	5	Punctuality/P/Production	5	Compliance With Work Standard	5
Total <u>28</u>									

Comments: _____

(DM)

Supervisors Inmates

Name HOGELAND, JAMES Unit: Factory Register Number 59573-066

475

INSTITUTIONAL CODE

1101

INDUSTRY CODE

209.687.022

WORK ASSIGNMENT DOT CODE

M	M	D	D	Y	Y
01	11	01	11	21	0
EVALUATION BEGIN DATE					

M	M	D	D	Y	Y
01	61	31	01	21	0
EVALUATION END DATE					

Rating Scale: 1 = Much Worse Than Average

2 = Worse Than Average

3 = Average

4 = Better Than Average

5 = Much Better Than Average

(J.H.)

Inmates Initials

Safety	5	Quality Assurance	5	Personal Conduct/Hygiene	5	Punctuality/P/Production	5	Compliance With Work Standard	5
Total <u>24</u>									

Comments: _____

(DM)

Supervisors Inmates

ORIGINAL - Stays with UNICOR

COPIES - One Copy To Case Manager After Every Evaluation Period

FPI - 44

REV - 11/95



The Global Voice of Quality™

EXHIBIT A-5

James H. Hogeland

Certified Quality Improvement Associate

Certificate Number Date Issued

13934 3/8/2019

March 27, 2019

65767030
James H. Hogeland
UNICOR-FPI
PO Box 420
Fairton, NJ 08320-0420

Dear James H. Hogeland:

CONGRATULATIONS! The Certification Board is pleased to announce that you have passed the written examination for the ASQ Certified Quality Improvement Associate Certification. You have reached an important milestone in your professional development.

Certification is not a license. It is peer recognition of proficiency in the prescribed body of knowledge. Please refer to your certification in terms which are consistent with the legal requirements and use of certification in the location in which you reside. We recommend that you refer to yourself as an "ASQ Certified Quality Improvement Associate." It is very important that you associate the Society with your certification.

Enclosed is your certificate and ASQ Code of Ethics. As a certified individual, the ASQ Code of Ethics should serve as your professional guide. Please review this information and call ASQ Headquarters if there are any discrepancies.

You can be rightfully proud of your certification as recognition of your professional knowledge by your peers in a professional society.

We look forward to your continued participation in the Society.

Sincerely,

Alan M. Bell, Chair
ASQ Certification Board

American Society for Quality

James H. Hogeland

has satisfactorily fulfilled the requirements established
by the Society for professional attainment in

Quality Improvement

and is, therefore, certified by the Society as a

Certified Quality Improvement Associate

Certification Number
13934
Certification Date
3/8/2019

Chair

Certification Board

Chair

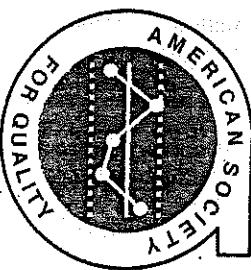


EXHIBIT A-6

CARS RECYLING Performance of Services CERTIFICATE

Awarded to

James Hageland

The above name has successfully achieved this certificate on the proper way to handle recycling and refurbished material
Sorting, Testing, Packing and Safety Procedure

at Fairton UNICOR.

On this date of: June 01, 2018


QA. Representative, D. Siddiqui

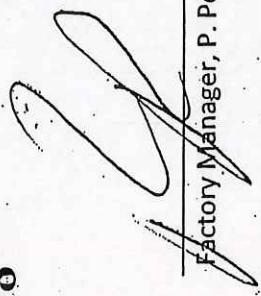

Factory Manager, P. Persaud

EXHIBIT A-7



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution

MEMORANDUM

Fairton, New Jersey 08320

Date: 12/3/2020

REPLY TO THE

ATTENTION OF: Mr. O. Marti
Unicor Quality Assurance Manager
856-453-4179

Subject: James Hogeland
Reg. Number : # 59573-066

To: C-Unit Team

This memo will serve as a progress report for inmate Hogeland registration number 59573-066. Mr. Hogeland currently holds the title of Final Quality Inspector and has worked in Unicor at FCI Fairton since May 2018 to present. During this time he has actively participated in all training opportunities relating to Quality Assurance and has excelled in all areas. His skill set would be an asset to any company. He shows interest in his work and has dedicated himself to improving this skill.

Inmate Hogeland has gained the respect of his co-workers due to his knowledge and skill as the Final Quality Inspector. He is a good example to other workers. He brings a positive attitude and desire to learn within the work environment. He is respectful to authority and never questions directives. He is easy to work with and can be depended upon to complete tasks on time.

Along with being an excellent worker, inmate Hogeland has helped Unicor through his ability to train and lead other employees in their job duties. Although not a requirement, he has done this solely on his own initiative. While supervising inmate Hogeland, I've found him to be a hard working individual with an excellent attitude. I would be very comfortable hiring this individual in the future and feel he will be a productive member of society.

Signed: _____
O. Marti, Quality Assurance Manager
Unicor FPI, Fairton

Date: 12/3/2020

PREM PERSAUD
UNICOR FACTORY MANAGER
P.O. Box 280
Fairton, NJ 08320
Phone: 856-453-1177 x 4133

EXHIBIT A-8

December 07, 2020

RE: James, Hogeland #59573-066

To whom it may concern,

Mr. Hogeland currently is employed with UNICOR at FCI Fairton since May 2018. Mr. Hogeland current position is a finial Quality Assurance personal and is responsible for ensuring that all finish production are to customer satisfaction. Mr. Hogeland is also responsible for material coming into the factory and shipping out the factory. Staff trust Mr. Hogeland with documenting correct information as a receiving clerk for UNICOR. Mr. Hogeland continue to be an assets to UNICOR operation with his attention to details.

If you should have any questions regarding this letter please feel free to contact me.

Sincerely,

Prem Persaud

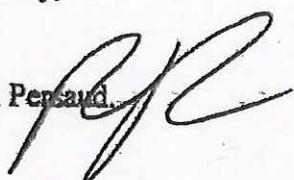


EXHIBIT A-9



Summary Reentry Plan - Progress Report

Dept. of Justice / Federal Bureau of Prisons
Plan is for inmate: HOGELAND, JAMES 59573-066



Facility:	FAI FAIRTON FCI	Custody Level:	IN
Name:	HOGELAND, JAMES	Security Level:	MEDIUM
Register No.:	59573-066	Proj. Rel Date:	02-21-2047
Quarters:	C01-131L	Release Method:	GCT REL
Age:	58	DNA Status:	PHL02469 / 06-03-2011
Date of Birth:	12-28-1961		

Offenses and Sentences Imposed

Charge	Terms In Effect
21:841(A)(1),(B)(1)(A)PWITD 50G OR MORE OF METH.CT.1;18:922(G) (1) FELON IN POSSESSION OF A FIREARM CT.4;26:5845(A),5861(D) & 5871 POSSESSION OF AN UNREGISTERED FIREARM CT.5-7; 18:922(K) & 924(A)(1)(B) POSSESSION OF FIREARM W/OBLITERATED SERIAL NUMBER CT.8	240 MONTHS
18:924(C)(1) POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME CT.2-3	360 MONTHS

Date Sentence Computation Began: 04-22-2008

Sentencing District: PENNSYLVANIA, EASTERN DISTRICT

Days FSGT / WSGT / DGCT	Days GCT or EGT / SGT	Time Served	+ Jail Credit - InOp Time
0 / 0 / 0	864	Years: 16 Months: 5 Days: 3	+ 1377 JC - 0 InOp

Detainers

Detaining Agency	Remarks
NO DETAINER	

Program Plans

Inmate Hogeland arrived at FCI Fairton on April 16, 2018. During his initial classification and subsequent reviews it was recommended he participate in educational programs, maintain clear conduct and maintain a high level of sanitation standards.

Current Work Assignments

Fac	Assignment	Description	Start
FAI	UNICOR	UNICOR	09-02-2019

Work Assignment Summary

Inmate Hogeland receives outstanding work performance evaluations based upon his overall job proficiency.

Current Education Information

Fac	Assignment	Description	Start
FAI	ESL HAS	ENGLISH PROFICIENT	07-07-2008
FAI	GED HAS	COMPLETED GED OR HS DIPLOMA	10-27-2008

Education Courses

SubFac	Action	Description	Start	Stop
FAI	C	CERT QUALITY IMPROVEMENT	02-15-2019	05-02-2019
LEW	C	USP REC PLYOMETRICS CLASS	09-06-2017	11-08-2017
LEW	C	INDEPEND.COLLEGE	06-14-2014	01-14-2016
LEW	C	BASIC FITNESS 2014	03-23-2014	03-23-2014
LEW	C	INDEPEND.COLLEGE	09-05-2010	09-05-2013
LEW	C	BEG UNFIT TO FIT CLASS 2011	04-03-2011	05-23-2011
LEW	C	ELLIPTICAL A 2011	04-03-2011	05-23-2011
LEW	C	SPINNING CLASS	07-27-2009	08-21-2009

Education Information Summary

Inmate Hogeland participated in numerous programs during his incarceration. See education data.



Summary Reentry Plan - Progress Report

SEQUENCE: 00215763

Dept. of Justice / Federal Bureau of Prisons
Plan is for inmate: HOGELAND, JAMES 59573-066

Report Date: 12-16-2020

Discipline Reports

Hearing Date	Prohibited Acts
--------------	-----------------

** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **

Discipline Summary

Inmate Hogeland has maintained clear conduct during his incarceration. He interacts appropriately with staff and is not considered to be a management concern at this time.

ARS Assignments

Fac	Assignment	Reason	Start	Stop
FAI	A-DES	TRANSFER RECEIVED	04-16-2018	CURRENT
LEW	A-DES	OTHER AUTH ABSENCE RETURN	08-29-2014	04-16-2018
LEW	A-DES	TRANSFER RECEIVED	02-19-2013	08-29-2014
LEW	A-DES	TRANSFER RECEIVED	05-03-2012	02-19-2013
LEW	A-DES	TRANSFER RECEIVED	09-24-2008	05-23-2011
FTD GP	A-DES	US DISTRICT COURT COMMITMENT	07-01-2008	08-12-2008

Current Care Assignments

Assignment	Description	Start
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	04-16-2018
CARE1-MH	CARE1-MENTAL HEALTH	06-22-2010

Current Medical Duty Status Assignments

Assignment	Description	Start
PAPER	LEGACY PAPER MEDICAL RECORD	10-30-2018
REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	04-19-2018
YES F/S	CLEARED FOR FOOD SERVICE	04-19-2018

Current PTP Assignments

Assignment	Description	Start
NO ASSIGNMENTS		

Current Drug Assignments

Assignment	Description	Start
ED COMP	DRUG EDUCATION COMPLETE	03-22-2011

Physical and Mental Health Summary

Inmate Hogeland is assigned regular duty status with no medical restrictions. He should be fully employable after his release from custody.

FRP Details

Most Recent Payment Plan

FRP Assignment: NO OBLG FINANC RESP-NO Start: 01-24-2020

Inmate Decision: AGREED \$1,925.00

Frequency: SINGLE

Payments past 6 months: \$0.00

Obligation Balance: \$0.00

Financial Obligations

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$700.00	\$350.00	IMMEDIATE	EXPIRED
2	FINE	\$2,600.00	\$0.00	IMMEDIATE	COMPLETEDZ

Financial Responsibility Summary

Inmate Hogeland has no financial obligation owed to the courts.

Release Planning

Sentry Data as of 12-17-2020

Summary Reentry Plan - Progress Report



Summary Reentry Plan - Progress Report

Dept. of Justice / Federal Bureau of Prisons
Plan is for inmate: HOGELAND, JAMES 59573-066

SEQUENCE: 00215763

Report Date: 12-16-2020

Inmate Hogeland plans to return to the Eastern District of Pennsylvania upon his release from custody.

General Comments

Overall, Inmate Hogeland is not a management concern and he participated in numerous programs during his incarceration. He interacts appropriately with staff and other inmates.

Mr. O. Marti, Unicor Quality Assurance Manager wrote the following on 12/3/2020:

Mr. Hogeland currently holds the title of Final Quality Inspector and has worked in Unicor at FCI Fairton Since May 2018 to present. During this time, he has actively participated in all training opportunities relating to Quality Assurance and has excelled in all areas. His skill set would be an asset to any company. He shows interest in his work and has dedicated himself to improving this skill.

Inmate Hogeland has gained the respect of his co-workers due to his knowledge and skill as the Final Quality Inspector. He is a good example to other workers. He brings a positive attitude and desire to learn within the work environment. He is respectful to authority and never questions directives. He is easy to work with and can be depended upon to complete tasks on time.

Along with being an excellent worker, Inmate Hogeland has helped Unicor through his ability to train and lead other employees in their job duties. Although not a requirement, he has done this solely on his own initiative. While supervising Inmate Hogeland, I've found him to be a hard working individual with an excellent attitude. I would be very comfortable hiring this individual in the future and feel he will be a productive member of society.



Summary Reentry Plan - Progress Report

Dept. of Justice / Federal Bureau of Prisons
Plan is for inmate: HOGLAND, JAMES 59573-066

SEQUENCE: 00215763

Report Date: 12-16-2020

Name: HOGLAND, JAMES

Register Num: 59573-066

Age: 58

Date of Birth: 12-28-1961

DNA Status: PHL02469 / 06-03-2011

EXHIBIT A-10

To whom it may concern

I am writing this letter for my son
James Hogeland 59573-066
an inmate F.C.I. Fairton N.J.

He is petitioning for early release or
parole.

If such where possible he would
need a place to live which would
be with me at my home in Phila. Pa
310 Fountain St Phila Pa 19128

It has been almost 16 years since he was
first incarcerated and he has learned a lot
of good things in that time. degrees in
prob and business.

I think he is rehabilitated and is ready
to come home and help his
86 year old Father (his mother my wife died
last year) out in his senior years

Sincerely
James Hogeland

EXHIBIT A-11

Frank Hogeland
639 Jamestown St
Phila, Pa 19128
215-668-6283

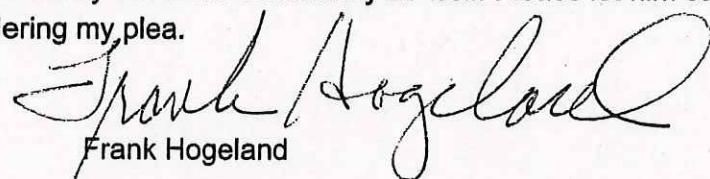
To whom it may concern,

My name is Frank Hogeland and I'm writing on behalf of my brother James Hogeland 59573-066 to kindly ask for the consideration of his compassionate release. James has served quite a bit of his unusually harsh sentence and the need for further incarceration is not really warranted. He's had an exceptionally clean prison record and has been a model prisoner at all times. He's furthered his education and renewed his faith.

Prior to his arrest he had a solid work history and marketable skills. He was not a career criminal but someone who got caught up in drug use and obviously made some bad decisions. Now facing the age of 60 and with those things far in the past I'm certain that he would not return to that lifestyle. I'm sure that he would cherish his freedom and be a useful contributing member of society.

It would be a great help to our family if James was able to come home. I'm suffering from a rare form of leukemia/lymphoma and I anticipate some rough times ahead. James would be able to help with the care of our 87yr old father whose health is starting to decline. He could live with our father or me. He is certainly welcome at both homes. Our two siblings live across the country and they have families and it's not easy for them to drop everything and fly back to Philadelphia.

James is loved and missed by his family so I sincerely ask again for you to consider the compassionate release of my brother. Is there any need to keep him incarcerated until he is old and can no longer contribute positively to society? I feel in my heart that he is rehabilitated and will be a valuable asset to not only his family but to his community as well. Please let him come home to us and thank you for considering my plea.



Frank Hogeland

EXHIBIT A-12

Donna Hogeland Stusser
11141 Cherry Ridge Rd
Sebastopol, California 95472
707-293-3400
dstusser2@comcast.net

June 11, 2020

To Whom It May Concern,

Thank you for taking the time to read my letter. I have been hoping for the opportunity to help my brother. My name is Donna Hogeland Stusser.
I am the first daughter of Fred and Christine Hogeland of Philadelphia Pa. My brother James Hogeland is the third child, Frank Hogeland, the first and Debbie Celebucki, the last.
It was our mother's Christine's deepest sorrow that she was not personally able to "get Jimmy back" as she would often say before she died
February 12, 2019. It brought us all so much closer to surround her during those last two weeks of her life. Jimmy called her everyday even while she was unconscious so she could listen to his voice. He took part in choosing the prayers for her Mass. They were very close, wrote letters regularly and spoke often on the phone. James is a devoted son. He made the choice to request a transfer from Lewisburg to Fairton even though he knew he would need to give up some comforts. He did this because the drive would be easier on his aging parents.

There is no doubt it was the right outcome of events to imprison James for his crime in 2004.
I am very grateful for the reform he has made through the Federal Detention System. I have visited him once a year for the last 16 years in prison and he is truly a changed person.
He is a kind, thoughtful, intelligent, respectful person. He is a loving brother and a wonderful uncle to my children. He knows how to show up in our lives even while he is incarcerated. He has always remembered our birthdays and holidays and small details of our lives.

James has taken advantage of many opportunities to grow and learn during his incarceration.
He has done this to improve his life and the lives of those around him. I remember meeting the Chaplin at Lewisburg who thanked me for all the good James did for other inmates. I never hear a word of complaint from my brother. He apologized repeatedly to us for the mistakes he had made, especially to our parents. He is ready to start again.

I have no doubt he will be an upstanding member of society. He has always kept a steady job in prison all these years as you see from his records, as when he maintained the ancient plumbing system at Lewisburg Penitentiary. Currently when we talk he tells me how good he feels to be making masks.
He is a team player.

Now nearly 16 years later, I am asking that he be released and be pardoned and be allowed to return home to our family. I hope he can live with Fred Hogeland, our father who is 86 as his caretaker. Fred still resides in our family house on Fountain Street where we grew up.

We all want him back. New babies are being born, grandchildren are graduating from college, great grandchildren are graduating from high school, all celebrations we want "Uncle Jim" to be a part of as well as everyday life.

I ask that you please grant the pardon of James Hogeland as soon as possible.

Please let me know if there is anything else I can do to assist this in happening.
Thank you for your thoughtfulness,

Donna Hogeland Stusser

Donna Hogeland Stusser

EXHIBIT A-13

To whom it may concern,

I am writing on behalf of my brother James Hogeland, prisoner # 59573066. He has spent over 11 years in prison during which time he has worked, served others, accepted his sentence, improved himself and has never been reprimanded for his behavior. It is clear to me having known James Hogeland for over 50 years that he has grown in maturity, integrity and forth during his time in prison and is ready to make a contribution to society as soon as he is released.

Do to laws and sentencing procedures that are in question even to the law makers that created them, he was given a 50 year sentence for his crime. In July of 2015 and more recently President Obama has commuted sentences of prisoners in similar situations. We are begging for the early release of my brother, James Hogeland. He would create a contribution to his family as well as many others if he released and is missed and loved by all. Please, please consider him as a candidate for early release. Thank you so much.

Debbie Celebroski

EXHIBIT A-14

Hana Stusser
220 17th Ave S
Seattle, WA 98144

To whom it may concern,

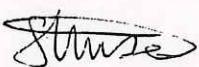
I am writing today on behalf of my uncle James Hogeland. My name is Hana Stusser and James is my mom, Donna Hogeland Stusser's younger brother. I am 22 years old and I just graduated from Seattle University in Washington state with a degree in Psychology. Next year I plan to work and apply for graduate school to further pursue my degree in clinical psychology.

For almost my entire life, my uncle Jim has been in prison. However, this has not stopped us from having a relationship or being a part of each other's lives. I visit my uncle as often as I can with my mom and sister. We fly across the country to Pennsylvania to stay with my grandparents and then visit Jimmy in prison. The time we spend together is short because that is all that's allowed, but it's something that means a lot to our family, especially my uncle Jim. My sister and I make an effort to stay in touch between visits, but the real effort comes from my uncle. My uncle Jim has never failed to send me a kind and heartfelt birthday card, Christmas card or Easter card. I think it is safe to say he is the only family member who manages to have the card arrive on the very day of my birthday or the holiday. And I am one of many nieces and nephews, all of whom I assure you receive the same treatment. My uncle is always thinking of his family on the outside and does everything in his power to remind us how much he cares about what's happening in our lives.

I hope that this can give you a little glimpse of the person James is. Being in prison with a sentence like his is something that I think most of us find unimaginable. I certainly do not think that I would be half the person he is today if I were in his shoes. It is because of this that my uncle is one of the strongest people I know.

It is my hope and the hope of our entire family that his case can be re-examined and that he can come home. I want my uncle to be a part of my life beyond prison visits once a year and letters and phone calls. The world needs more people like my Uncle James on the outside of prison walls where I know he will be able to live a meaningful and fulfilling life and inspire those around him to do so as well.

Sincerely,

Hana 

Hana Stusser

EXHIBIT A-15

Mari Stusser
1259 ½ Stafford St
San Luis Obispo, Ca

To whom it may concern,

My name is Mari Stusser and James Hogeland is my uncle. I am a student at Cal Poly State University in central California and will be entering my second year in the fall.

I am writing to ask that my uncle is pardoned from his sentence.

For as long as I can remember, my Uncle Jim has been in prison. Over the years I have found a lot of joy and meaning in writing letters to him. His responses are always so beautifully written, upbeat, and full of enthusiasm for what I am doing in my life. I have all the letters saved and sometimes read back on them when I want to smile. I never much liked being brought to the humid east coast every summer, but the visits to Uncle Jim began to make them something special. Although entering a federal prison at age 12 was overwhelming for me, when we got to my uncle, I always felt at ease. He made everyone laugh and would bring up little details we had mentioned months earlier to inquire about. Uncle Jim was always sharing jokes and familiar greetings with the inmates next to us. When we got our photo taken I always felt so proud to stand next to him in front of everyone. Despite all odds, he has always had such a composed, strong and bright presence. Our allotted time would fly by and too soon we would watch him be led down the hallway out of the visitors room.

Although I try to write stories and accounts to fill my uncle in, it breaks my heart to think about all the events in our lives so far where he has been missing. It would make all of college worth it to see my uncle in the audience when I graduate, and mean the world for him to attend more big moments in my future. Now that my grandmother has passed away, my Grandpa Fred lives alone, and needs the care of his son more than ever. The quarantine has made it very difficult for him to do much of anything more than stay inside, and I know Jim would bring him a lot of joy in the ending chapter of his life.

I hope from our letters one can gather just how much it would mean to our entire family to have Jim released and back among us. I feel there is so much purpose for him in life beyond prison and I know he would make the world such a brighter place.

I thank you for your time and consideration,

Sincerely,

Mari Stusser

EXHIBIT A-16

1/10

To Whome It May Concern,

I am writing on behalf of my uncle James Hogeland, 59573-066. I think that he has served a long enough sentence in prison and has changed. I have never been able to meet him outside of prison or really get to know him. If his sentence was over I could see him outside of prison and he could show me what he likes to do, I have heard that he owns a cool motorcycle. Another big benefit of him being released is he could go and help take care of my Grandma and Grandpa as they get older. I understand that he was guilty in the past and from what I have seen of him he has changed and is a better person. I think that it is cool how prison has changed him in ways like, he did college classes and earned a degree.

Sincerely Ashoka, celebuate:

EXHIBIT A-17

Tinneny Plumbing & Heating Inc.
404 Fountain Street
Philadelphia, PA 19128
215-487-3113/ Fax: 215-487-3014
License # 10675

I am writing this letter on behalf of James Hogeland for request of possible early parole.

Life can be very challenging and difficult at times, turning down a wrong path in today's world is not uncommon; however I am a practicing Catholic and believe in today's world most people deserve a second chance and in Jimmy case I've feel after speaking with his parents and siblings he has came a long way and truly has repented from his sins.

If in your hearts he would be granted a second chance I would not hesitate to hire him on a full time bases for my plumbing & heating business.

My wife and I have been owner for over 30 years and at one time long ago Jimmy was part of. As for his plumbing skill Jimmy was a complete asset to us.

In closing I totally honor your decision and would honor mine if Jimmy was to be released. Thank you for your time on this manner.

Sincerely,

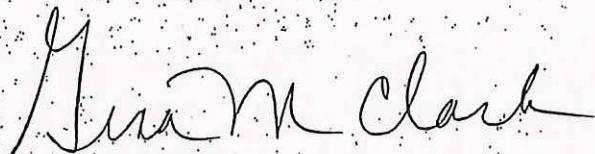
Carol Tinneny
404 Fountain Street
Philadelphia, PA 19128
215-487-3113
215-487-3014 Fax
carolt@tinnenyplumbing.com

EXHIBIT A-18

8/17/2016

I am writing with in reference to James Hogeland: I would like to say that Mr. Hogeland has been a model inmate since his arrival. He has furthered his education. Offer assistance to other inmates when they are having a hard time. As well as offered his knowledge of plumbing and heating to aid in the repairs in the prison. But Mr. Hogeland is much more than all of that to my family. He is more like a brother to me, an Uncle to my children and was, without a doubt, a brother to my recently departed husband. I am personally honored to call Mr. Hogeland my friend because when the chips are down and I am depressed or upset about anything at all; Mr. Hogeland will have some kind of inspirational words to calm me with and I always feel better. He has turned his faith and himself over to God in the last few years and he is very much a different person because of it. The Hogeland Family has been extremely supportive of James because they witnessed the miraculous changes in him and in all honesty deserve to see their sons' freedom become a reality before they leave this earth. Mr. Hogeland would be a credit to society these days and may very well have an effect on some of the negativity in this world. I, like many others, hope and pray every day that we will be able to see Mr. Hogeland as our neighbor again soon.

Thank you,



Gina M. Clark

255 Roxborough Ave.

Philadelphia, Pa 19128

(215)303-4133

EXHIBIT A-19

8-22-16

To whom it may concern,

This letter is with regards to James Hayland. Mr. Hayland is a stand up guy that has come a long way since his arrival there. He has come a long way both spiritually & ethically. His life is being wasted & should be used as an example for others who end up in this type of situation. It is in my hopes that everyone will agree that Mr. Hayland has served enough time to make the necessary changes & release him to help others do the same.

Thank You,

Theresa Lush

EXHIBIT A-20

625 Dufranc Avenue
Sebastopol, CA 95472

June 11, 2020

James Hogeland
59573-066
Federal Correction Institute
PO Box 420
Fairton, NJ 08320

To Whom it May Concern:

I am a close friend of Donna Hogeland Stusser and her family. I have known them for 18 years, beginning when our children attended preschool together. They are a beautiful, hard-working, and caring family. All of them are devoted to the betterment of society through compassionate education and social services.

Over the years Donna has kept me informed about James' history, his initial incarceration, and his purposeful, steadfast, and committed reform. They have supported him in his improvement and will continue to love, and assist him in the next phases of his life. Should James be released, he will not be on his own: he has a network of loving people to aid him.

From what I have heard, James is a skilled and hard-working man. He has repented of his wrongs and wants only to be a generous and law-abiding member of society.

Most importantly, he has learned from his mistakes and is ready to rejoin society as an improved citizen. I fully support his release and pardon.

Thank you for reading this.

Sincerely,

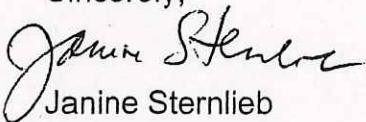

Janine Sternlieb

EXHIBIT A-21

June 11, 2020

Spencer Sherman
625 Dufranc Avenue
Sebastopol, CA 95472
707-824-4801

To Whom It May Concern:

I am a close friend of Donna and Michael Stusser and their 2 daughters, Mari and Hana Stusser. I am writing on behalf of James Hogeland, the brother of Donna Stusser.

While I have not met him, I have heard much about him from Mari, Hana, and Donna. They have spoken over the years and, recently, about how transformed a person James has become. They have shared letters and photos which confirm their words that he is dedicated to peace, healing, and service. This is a man who wants to give back and I believe that his release from prison will benefit many.

I have met many people who been freed from prison after being incarcerated for 10 to 30 years (Inside Circle Foundation), and I have been impressed with the maturity and wisdom of these people. James Hogeland strikes me as a similar person; someone who understands how his behavior has caused harm to himself and others and he has healed this part of himself. Today, he is devoted to helping and doing good in the world. And, we need that today.

For the benefit of his family and the people who James will inspire, I encourage you to pardon and release him from prison at the earliest opportunity.

With much respect for all that you do and have done to rehabilitate men like James,



Spencer Sherman

EXHIBIT A-22

June 10, 2020

Tracy Saucier
8 Queens Lane
Petaluma, CA 94952

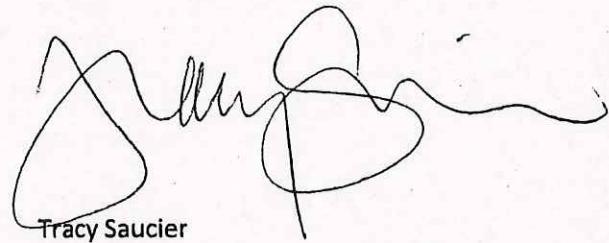
To Whom it May Concern:

I am writing on behalf of James Hogeland, the brother of my dear friend and coworker, Donna Hogeland Stusser. I work at Summerfield Waldorf School and Farm, a private school in Santa Rosa, California, as the Admissions Director. I have known Donna for over 14 years, and she is a phenomenal person. Not only is she a distinguished early childhood educator and mentor who worked at our school for over 20 years, she is the first person signing up to help those in need. She is currently planning to open an early childhood center for low income families.

Donna speaks about her brother every time we get together, letting me know how he has transformed his life, and how positive he is even while being in prison for 16 years for non-violent offenses. He has dedicated his life to studying the Seminary Arts, and believes in the power of Divine Love and Mercy, and lives his life out of these values. She is always in admiration of his insights and shares them often. I can see how much she misses her younger brother, and how she feels he is a peaceful and transformed human being whose gifts would greatly benefit their family, his community, and the world.

I too believe in the power and goodness of Mercy, and I hope that the truth of his transformation will allow the wisdom of the court to release James Hogeland so that he may serve his family and community, and fulfill his mission as a citizen and human being.

With great hope,



A handwritten signature in black ink, appearing to read "Tracy Saucier". Below the signature, the name "Tracy Saucier" is printed in a smaller, sans-serif font.

EXHIBIT A-23

10 June 2020

To Whom it May Concern,

I am writing on behalf of James Hogeland to encourage those of you who have the authority to consider releasing and pardoning him.

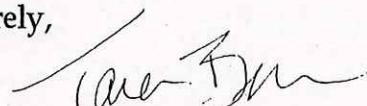
I am a close friend of his sister, Donna Hogeland Stusser, and have heard about "Jimmy" as long as I've known her (over 20 years). What I hear about Jimmy is the way he has embraced his life on the inside through his service to other inmates and his capacity to maintain a steadiness in his prison jobs. And how deeply he has stayed connected to his loved ones on the outside through regular cards, letters, and phone calls. When Donna gets off the phone with Jimmy, she exudes an exuberance that I rarely experience otherwise. He touches and ignites a spark of humanity that then touches me through Donna.

In this moment when we as a society are re-considering the mass incarceration of so many of our people, it seems appropriate to free someone who has turned the page of their life toward service and caring. I hope you will seriously consider James Hogeland's request for pardon.

In the meantime, I also offer gratitude that Jimmy has been given the tools in prison to reflect and make the changes in his life that now make his freedom possible.

Sincerely,

Tara



Tara Brown
P.O. Box 1755
Bodega Bay, CA 94923

EXHIBIT A-24

Katherine Presley
1195 Westside Road
Healdsburg, Ca 95448

June 10, 2020

To whom it may concern,

My name is Katherine Presley. I live in Sonoma County California and from 2007-2014 I lived on the property belonging to Donna Hogeland-Stusser with my husband Michael. Donna and I have known each other and been friends and teaching colleagues for over 25 years. Donna is an extraordinary human being. Articulate, creative, compassionate and generous, a loving daughter, sister, mother and friend. I have always felt lucky and grateful to have her as a friend. My husband and I consider her daughters as practically our own. We have gone through their growing pains and challenges and celebrated their joys and gifts, creativity and accomplishments in awe and appreciation of who they are and are becoming. Largely due to Donna's incredible capacity as a mother and woman, these girls have grown to be remarkable people. I give you this background so you have a context for the rest of what I would like to convey.

You see, I could write much more about Donna, but today I am writing on behalf of her brother James Hogeland who I have never personally met. Yet I feel compelled and honored to take the opportunity to write on his behalf. And I feel as though I do know him. My husband and I spent every Christmas and birthdays with Donna's family. We were often present when a phone call would come from James. We heard and witnessed the girls, his nieces, speaking and listening with love to their uncle. We would hear their stories of their visits with James when they would return from their summer vacations which always included a visit with him. They love their uncle and admire him, his kindness toward, and interest in them. Their care for James and the meaningful relationships they had, and still have, continue to impress me. Donna always spoke lovingly, honestly and practically about James; his mistakes, remorse and then taking responsibility to change and make things right. James' love and faith and Donna's faith, love and support of James, have all been an inspiration to me.

I think James's reform is commendable and worthy of his case being reconsidered. He made terrible errors but found his way to make fundamental changes in himself and make amends in the ways he could, in a very responsible human way. I hope that his efforts are seen by those with the power to grant it, as worthy of his release.

Please feel free to contact me if I can be of further assistance.

Thank you for your consideration,

Katherine Presley

EXHIBIT A-25

Greetings Your Honor,

I humbly come to you today on behalf of my good friend, brother, encourager and fellow inmate James Hogeland.

I met James at the age of 25, coming from a wild group of men at Big Sandy USP. I was blessed to meet James my first week that I transferred to Lewisburg USP Cadre Program in 2011. Me being a young black man from Baltimore City and James being an older white man from PA we had little in common outside of our faith in Jesus Christ! James accepted me from the start of my stay in Lewisburg and instantly greeted and cared for me as a brother without boundaries! I grew to know and care for James as a brother who cared for me and taught me a lot! In prison, especially while serving a life sentence, we encounter many hardships and hard days.. In the midst of those hardships its very rare yet important to have someone who you can confide in for wise counsel! James was that guy for me. Always there to not only extend himself to help me but anyone else he could along the way. No matter where they were from or what they look and sound like! He has been very impactful in helping me and many others grow mentally, physically and spiritually. I'm sure, if given the opportunity, he would be impactful in the lives of those in his family and community in the outside world!

James is a man of God and encourages others to strive for change and being better people daily. I humbly ask that you consider that and extend your grace and mercy to him by considering him relief to be able to show his family and community the new man that I have encountered for the last 10 years!

Thanks for your consideration.

Sincerely,

Frank Keith Goodman #43303-037

FAIBV 606.00 *
PAGE 001 OF 001

MALE CUSTODY CLASSIFICATION

FORM

11-12-2020

14:37:49

(A) IDENTIFYING DATA

REG NO...: 59573-066
NAME....: HOGELAND, JAMES

FORM DATE: 03-31-2020

ORG: FAI

MGTV: NONE

PUB SFTY: SENT LGTH

MVED:

(B) BASE SCORING

DETAINER: (0) NONE	SEVERITY.....: (3) MODERATE
MOS REL.: 334	CRIM HIST SCORE: (04) 5 POINTS
ESCAPES.: (0) NONE	VIOLENCE.....: (0) NONE
VOL SURR: (0) N/A	AGE CATEGORY...: (0) 55 AND OVER
EDUC LEV: (0) VERFD HS DEGREE/GED	DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED.....: (4) 26-75%	PROG PARTICIPAT: (2) GOOD
LIVING SKILLS...: (2) GOOD	TYPE DISCIP RPT: (5) NONE
FREQ DISCIP RPT.: (3) NONE	FAMILY/COMMUN..: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST VARIANCE	SEC TOTAL	SCORED LEV	MGMT SEC	LEVEL	CUSTODY	CONSIDER
+7	+20	-4	+3	MEDIUM	N/A	IN
						DECREASE

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

EXHIBIT A-27

Life's Key Student Transcript

James H. Hogeland
59573-066

United States Penitentiary
PO Box 1000
Lewisburg, PA 17837
United States

Units Earned: 40.0
ECS Units Earned: 39.5
Grade Avg: 92

Code	Pub	Title	Completed	Units	Grade
Certificates Earned					
			Mar 29, 2005	5.0	
			May 24, 2005	10.0	
			Jul 19, 2005	15.0	
			Oct 25, 2005	20.0	
			Dec 28, 2005	25.0	
			Feb 14, 2006	30.0	
			Mar 24, 2006	36.0	
Courses Completed					
BTW	ECS	Born to Win	Nov 16, 2004	1.0	98
JOS	ECS	Joseph: A Life of Virtue	Jun 14, 2005	0.0	83
MMM	ECS	Men Who Met the Master	Dec 14, 2004	0.5	97
WBT	ECS	What the Bible Teaches	Dec 14, 2004	1.0	86
GMA	ECS	The Greatest Man Alive	Jan 4, 2005	0.5	100
OGOW	ECS	One God One Way	Jan 4, 2005	1.0	98
EPI-FNB	EPI	Food for New Believers	Feb 1, 2005	0.0	95
YCLF	ECS	You Can Live Forever	Feb 1, 2005	0.5	94
DTWJ	ECS	Doing Time With Jesus	Feb 15, 2005	1.0	92
JTB	ECS	A Journey Through the Bible	Feb 15, 2005	1.0	96
GIT	ECS	God Is There	Mar 29, 2005	1.0	95
LCL	ECS	Lessons for Christian Living	Mar 29, 2005	1.0	93
GCG	ECS	Guide to Christian Growth	Apr 26, 2005	1.0	89
ITHR	ECS	I'll Take the High Road	Apr 26, 2005	1.0	83
GAL	ECS	The Letter to the Galatians	May 24, 2005	1.0	87
GJ	ECS	The Gospel of John	May 24, 2005	2.0	96
JAS	ECS	The Letter of James	Jun 14, 2005	1.0	90
ACTS	ECS	The Book of Acts	Jul 19, 2005	1.0	92
HSW	ECS	The Holy Spirit at Work	Jul 19, 2005	1.0	78
1COR	ECS	The First Letter to the Corinthians	Aug 23, 2005	2.0	86
LK	ECS	The Gospel of Luke	Sep 13, 2005	1.0	90
LS	ECS	The Lord's Supper	Oct 11, 2005	0.5	90
MP	ECS	Messianic Psalms	Oct 11, 2005	1.0	90
BBB	ECS	Buried by Baptism	Oct 25, 2005	0.5	95
BBB	ECS	Buried by Baptism	Oct 25, 2005	1.0	93
EPH	ECS	The Letter to the Ephesians	Nov 8, 2005	0.5	97
LJ			Nov 8, 2005	1.0	92
TT	ECS	Timothy and Titus	Nov 22, 2005	1.0	87
2COR	ECS	The Second Letter to the Corinthians	Dec 6, 2005	1.0	93
MK	ECS	The Gospel of Mark	Dec 28, 2005	1.0	92
PCP	ECS	Philippians, Colossians, and Philemon	Jan 9, 2006	1.0	94
MATT	ECS	The Gospel of Matthew	Jan 31, 2006	1.0	81
BP	ECS	Bible Prophecy	Jan 31, 2006	1.0	94
DAN	ECS	The Life and Prophecies of Daniel	Feb 14, 2006	2.0	95
PPPW	ECS	Perfect Person Perfect Work			

Life's Key

Student Transcript

James H. Hogeland

59573-066

Code	Pub	Title	Completed	Units	Grade
THES	ECS	The Letters to the Thessalonians	Feb 14, 2006	2.0	89
OTLH	ECS	Old Testament Law & History	Mar 7, 2006	2.0	94
OTPP	ECS	Old Testament Poetry and Prophecy	Mar 7, 2006	2.0	96
NTS	ECS	New Testament Survey	Mar 14, 2006	2.0	95
EPI-SR	EPI	Start of the Race	Apr 18, 2006	0.0	96
EPI-WOWI	EPI	Way Out and Way In	Apr 18, 2006	0.0	97
EPI-DJ	EPI	Desert Journey	Apr 25, 2006	0.0	96
EPI-WAL	EPI	Winning and Losing	Apr 25, 2006	0.0	98
EPI-KD	EPI	King David	May 16, 2006	0.0	95
EPI-KGD	EPI	Kingdom Divided	Jun 27, 2006	0.0	91
EPI-SI	EPI	Songs of Israel	Jun 20, 2006	0.0	98
TCK	ECS	The Coming King	Jun 20, 2006	0.0	88
EPI-PROV	EPI	Proverbs	Jul 25, 2006	0.0	100

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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1	2	3	4	5	6	7	8	9	10	11	12																																																																																								

EXHIBIT A-28

THE SALVATION ARMY



This is to certify that
James Hogeland
has satisfactorily completed
“The Christian Life”
BIBLE CORRESPONDENCE COURSE
And is hereby award this
CERTIFICATE

November 13, 2009

G. Nesel

THE SALVATION ARMY



This is to certify that
James Hogeland
has satisfactorily completed
“The Early Church”
BIBLE CORRESPONDENCE COURSE
And is hereby award this
CERTIFICATE

January 12, 2010

G. Nesel

AMERICAN BIBLE ACADEMY

Presents this Certificate to

James H. Hogeland

upon successful completion of

Study Course The Book of Acts Vol Two

Awarded the 11th day of April, 2007.



Jerush Welch

ACADEMIC DEAN

Mrs. Gwen Wadell

REGISTRAR



GRADE REPORT
AMERICAN BIBLE ACADEMY
P.O. BOX 1627
JOPLIN, MO 64802-1627

NAME: James H. Hogeland

STUDENT ID#: 253416

COURSE: The Book of Acts Vol Two

DATE: 4/11/07

EXAM 1: 78 EXAM 2: 80 EXAM 3: 88

FINAL GRADE: 82

CREDITS: 1

Grading Policy - The grading system used by A.B.A. is as follows:

A+100-99% A98-95% A-94-90% B+89-87% B86-84%

B-83-80% C+79-77% C76-74% C-73-70% D+69-67%

D66-64% D-63-60% F59-0%

Please update any changes in your mailing address.

Websites: www.abarc.org • www.arm.org

AMERICAN BIBLE ACADEMY

Presents this Certificate to

James H. Hogeland

upon successful completion of

Study Course Galatians & Philippians

Awarded the 10th day of July, 2007.



Joyce M. Wadell

ACADEMIC DEAN

Mrs. Gwen Wadell

REGISTRAR



GRADE REPORT
AMERICAN BIBLE ACADEMY
P.O. BOX 1627
JOPLIN, MO 64802-1627

NAME: James H. Hogeland

STUDENT ID#: 253416

COURSE: Galatians & Philippians

DATE: 7/10/07

EXAM 1: 86 EXAM 2: 90 EXAM 3: 76

FINAL GRADE: 84

CREDITS: 1

Grading Policy - The grading system used by A.B.A. is as follows:

A+.....100-99%	A.....98-95%	A-.....94-90%	B+.....89-87%	B86-84%
B-83-80%	C+.....79-77%	C.....76-74%	C-.....73-70%	D+.....69-67%
D66-64%	D-.....63-60%	F59-0%		

Please update any changes in your mailing address.

Websites: www.abarc.org • www.arm.org

AMERICAN BIBLE ACADEMY

Presents this Certificate to

James H. Hogeland

upon successful completion of

Study Course Christian Doctrine, Vol. 3

Awarded the 18th day of October, 2016.



Joseph Welch

ACADEMIC DEAN

Mrs. Gwen Wadell

REGISTRAR



GRADE REPORT
AMERICAN BIBLE ACADEMY
P.O. BOX 1627
JOPLIN, MO 64802-1627

NAME: James H. Hogeland

STUDENT ID#: 253416

COURSE: Christian Doctrine, Vol. 3

DATE: 10/18/16

EXAM 1: 95 EXAM 2: 94 EXAM 3: 94

FINAL GRADE: 94

CREDITS: 1

Grading Policy - The grading system used by A.B.A. is as follows:

A+100-99%	A98-95%	A-94-90%	B+89-87%	B86-84%
B-83-80%	C+79-77%	C76-74%	C-73-70%	D+69-67%
D66-64%	D-63-60%	F59-0%		

Please update any changes in your mailing address.

Websites: www.abarc.org • www.arm.org

The Voice of Prophecy

WORLDWIDE BIBLE BROADCASTERS

Diploma

This Certifies that

James H. Hogeland

*has completed in a satisfactory manner the 26 lesson
Discover Bible Course.*

Issued at Los Angeles, California, on

December 12, 2007

Kurt Johnson
BIBLE SCHOOL DIRECTOR



B. Lorrie Melashuk
DIRECTOR-SPEAKER

LightHouse International College - And Seminary USA -

Upon Recommendation of the Faculty

Has conferred on

James Hogeland

The degree of

Bachelor of Ministry

With all rights, responsibilities, and privileges pertaining thereto.

Giben at Zachary, Louisiana, January 14, 2016.
A College of Lighthouse International University


President


Academic Dean

EXHIBIT K

CHRISTIAN LEADERSHIP UNIVERSITY School of Impartation

To the Praise and Glory of God
Be it known that

James M. Higeland

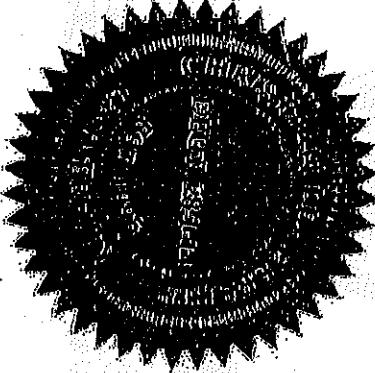
Having satisfactorily completed the requirements of the approved program of study,
and having evidenced Christian maturity and proficient scholarship,
is awarded by the Executive Board and Faculty the degree of

Associate of Biblical Studies

Given from Port Saint Lucie, Florida,

this thirtieth day of December, in the year two thousand fourteen
together with all the rights and privileges appertaining thereto.

In testimony whereof, the seal of the school and the signatures of officials are hereto affixed.



A circular seal with a serrated outer edge. Inside the circle, the words "CHRISTIAN LEADERSHIP UNIVERSITY" are written in a circular pattern, with "CHRISTIAN" at the top, "LEADERSHIP" in the middle, and "UNIVERSITY" at the bottom. In the center of the seal is a smaller circle containing a cross.

Academic Dean

President



A handwritten signature in black ink that reads "Mark Whaley".

INTERNATIONAL School of MINISTRY

THIS DOCUMENT CERTIFIES THAT

JAMES HOGELAND

HAS FULFILLED THE REQUIREMENTS OF AN

ADVANCED DIPLOMA OF BIBLICAL STUDIES

USING THE

International Curriculum

ON THIS 30 DAY OF DECEMBER, 2014

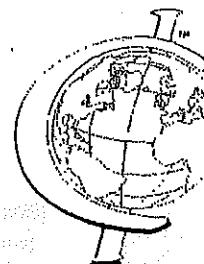


INTERNATIONAL PRESIDENT

REGIONAL CENTER DIRECTOR

SCHOOL DIRECTOR

John L. Gilligan
John L. Gilligan
Academic Dean



INTERNATIONAL SCHOOL of MINISTRY™

TRANSCRIPT

Student: James H. Hogeland

Enrolled: 6/14/2013

Graduation Date: 12/30/2014

Foundations of the Faith	RS101	A-
Supernatural Living, Part 1	RS217	B-
New Testament Survey, Part 1	BI102	A-
Praise and Worship	RS105	B
Supernatural Living, Part 2	RS217	A-
New Testament Survey, Part 2	BI102	A

Power of Prayer	RS106	A
Jesus Our Healer Today	RS205	A
Old Testament Survey, Part 1	BI101	B+
Essence of the Gospel	BI201	B-
Ministry of Helps	BI208	C
Old Testament Survey, Part 2	BI101	B

Introduction (Mobilize to Multiply)	ED101	C-
Cell Growth and Principle of 12	RS216	A
Power Evangelism	RS103	B-
Church Based Training	RS314	A-
Leader's Integrity	RS102	B-
Leadership Vision	RS304	B+
Church Planting	PC200	A
Being Led by the Spirit	RS204	B+

Wilderness Mentalities	RS219	A
Developing Leaders	RS111	C
Missions and the Harvest	RS305	C
Personal Evangelism	PC300	B
Spiritual Warfare	RS110	C
Reconciliation	BI302	A-
Cell Group Leaders	RS216	C-

Christ Connection	RS315	A
Living to Give	PC100	B-
Supernatural Faith	RS209	A
Children and Youth Ministries	ED301	A
Biblical Eldership	RS301	B+
Discipleship	RS219	C-

Signed:

Office of Registrar

Date: 12/11/16



Official Transcript

Student: James Hogeland

Graduation Date: 01/14/2016

Ministry Module

Course Code	Title	Grade
F01	Conquering the Sin Nature	A
F02	The Heart of the Ministry	A
F03	Renewed Like the Eagles	A
F04	Community & Gender	A
F05	Dynamic Preaching	A
F06	Prophetic Foundations	B
F07	Practical Points for Ministry	A
F08	Hearing God's Voice	A

Miracle Living Module

Course Code	Title	Grade
G01	New Creation Image	A
G02	Authority of the Believer	B
G03	Praise and Worship	B
G04	Prayer: Bringing Heaven to Earth	A
G05	God's Provision for Healing	A

WOW Essential Module – Men & Women

Course Code	Title	Grade
W04	Overcoming Disappointment	B
W05	Rising to Your Potential	B
W06	Divine Healing	B
W08	Ministry of the Holy Spirit	B
W09	Overcoming Grief	B
W10	God's Plan for Your Family	B
W11	Generational Blessing	B
W14	Difficulties in Leadership	B
W15	Women of Worship	C
W16	Become a Minister	C
W19	The Esther Message	C
W24	The Nine Principles of War	C

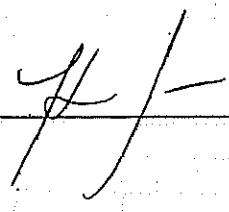
Messenger Module

Course Code	Title	Grade
JB01	Extraordinary	C
JB02	Driven By Eternity	A
JB03	Breaking Intimidation	A

Maturity Module

Course Code	Title	Grade
M01	Seven Mountain Strategy	A
M02	Navigating Betrayal	C
M03	Leadership Principles	A
M04	Sexual Wholeness & Healing	A
M05	Confronting Life's Issues	B
M06	The Marriage Trinity	A
M07	The Blessed Life	A
M08	Cleansing Streams	A

Signature:



Date: 6/11/16

The Foundation Institute
For Biblical Studies

It is known that

James H. Hogeland

Having completed the necessary course of study and
having satisfied all other requirements is hereby awarded the

Bachelor of Biblical Studies

degree with all the honors and privileges pertaining thereto.

In testimony whereof the signatures of the Dean
and the President have been affixed this day.

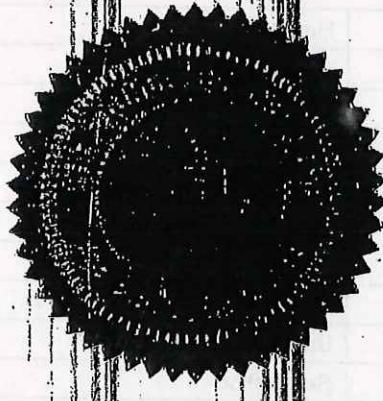
September 5, 2013

Dr. David Helmic Sr.

Dr. David Helmic Sr., President

Tony Moore

Bro. Tony Moore, Dean



The Foundation Institute for Biblical Studies

Student Tracking Record

STUDENT NAME: James H. Hogeland

DOC# 59573-066

FACILITY: SMI/USP Lewisburg

Program Start Date: 02-24-2011

Lesson	Course	Start	Completed	Grade
ORIENTATION UNIT				
1	Basic Training For Christian Soldiers	2-4-11	2-11-11	96.61
2	The Turn	2-11-11	2-14-11	92.59
3	The Narrow Place	2-14-11	2-19-11	97.95
4	By Faith Through Faith	2-19-11	2-22-11	100
5	Iniquity, Sin, And Transgression	2-22-11	2-24-11	93.75
6	Prescription Drugs & The Spirit	2-25-11	2-27-11	98.33
UNIT 1				
1	Romans	2-27-11	3-5-11	99.47
2	Overcoming Sinful Habits	3-6-11	3-9-11	96.30
3	Complete Salvation	3-9-11	3-15-11	100
4	Security Guaranteed	3-16-11	3-24-11	98.70
5	Conquer Discouragement	3-24-11	3-26-11	98.96
6	When Christians Sin	3-26-11	3-31-11	97.77
UNIT 2				
1	Bible Doctrine	3-31-11	4-20-11	99.15
2	Christ's Impeccability	4-20-11	5-7-11	92.06
UNIT 3				
1	Ephesians	6-1-11		98.34
2	Seven Baptisms			92.15
3	Seven Judgments			98.63
4	The Second Coming			99.18
5	Temptation			100
6	Purpose In Trial			100
7	Holy Living			94.11
8	The Mysteries of God		12-1-11	98.70
UNIT 4				
1	Hebrews	1-1-12	1-12-12	95.65
2	Scriptural Meditation	1-12-12	1-19-12	98.59
3	The Spirit World	1-19-12	1-26-12	90.96
4	Conquer Impure Thoughts	1-26-12	1-28-12	95.12
5	Knowing God's Will	1-28-12	1-30-12	92.30
UNIT 5				
1	Philippians	1-30-12	2-10-12	99.07
2	Dispensational Salvation	2-10-12	2-19-12	95.72
3	Backsliding	2-19-12	2-23-12	94.23
4	Separation	2-23-12	2-25-12	94.28
5	Soul Sleep	2-25-12	2-28-12	100
6	Preaching Techniques 1	2-28-12	3-19-12	98.14

~~EXHIBIT J~~

Lesson	Course	Start	Completed	Grade
UNIT 6				
1	Galatians	3-20-12	4-4-12	95.78
2	Sins unto Death	4-5-12	4-28-12	100
3	The Fear of the Lord	4-29-12	5-1-12	94.44
4	Time of the Crucifixion	5-2-12	5-7-12	90.47
5	Doubtful Disputations	5-10-12	5-30-12	98.38
6	Hindrances to Prayer	5-30-12	6-4-12	96.55
7	The Home	6-5-12	6-26-12	97.54
UNIT 7				
1	1 Peter	6-27-12	7-18-12	95.05
2	Genuine Love	7-19-12	7-21-12	94.59
3	Christian Principles of Finance	7-22-12	8-9-12	95.71
4	Preaching Techniques 2	8-10-12	8-14-12	95.33
UNIT 8				
1	Spiritual Fruit	8-15-12	8-18-12	92.42
2	Holiness	8-19-12	8-23-12	98.03
3	The Controlled Life	8-24-12	8-26-12	96.55
4	Personal Devotions	8-27-12	8-29-12	96.55
5	Sources of Tension	8-30-12	9-1-12	96.00
6	James	9-1-12	9-22-12	96.67
UNIT 9				
1	Bible & Science	9-23-12	9-27-12	100
2	Place of the Dead	9-27-12	10-3-12	94.85
3	Christian Relationship to the Law	10-4-12	10-8-12	89.32
4	Confession	10-9-12	10-15-12	93.27
5	Church Conflicts	10-15-12	10-22-12	89.10
6	Christian Principles of Health	10-22-12	10-31-12	96.56
UNIT 10				
1	Mark	11-1-12	11-20-12	95.78
2	2 Peter	11-21-12	12-6-12	97.47
UNIT 11				
1	Creation Week	1-14-13	1-25-13	94.24
2	The Five Offerings	1-25-13	1-28-13	98.70
3	The Feasts	1-28-13	1-30-13	94.00
4	Divorce & Remarriage	2-1-13	2-3-13	93.54
5	Balanced Christian Growth	2-3-13	2-5-13	90.90
UNIT 12				
1	1 Corinthians Part 1	12-7-12	12-31-12	95.85
2	Failure in the Christian Life	1-1-13	1-13-13	93.58

I certify the above to be an honest and accurate record of this student's work:

Chaplain J. Davis
Signature

Chaplain
Title, Rank or Position

2/7/13
Date

Once all work is completed, mail to: The Foundation Institute For Biblical Studies. Please remember, in all cases, grades must be received by The Foundation Institute before any degrees can be granted.

The Foundation Institute for Biblical Studies

Advanced Student Tracking Record (Bachelor)

STUDENT NAME: James H. Hogeland

DOC# 59573-066

FACILITY: SMI/USP Lewisburg

Program Start Date: 2-24-11

Lesson	Course	Start	Completed	Grade
UNIT 13				
1	First, Second and Third John	2-4-13	2-17-13	96.15
2	Music Evaluation	2-17-13	2-20-13	99.65
3	The Psalms	2-20-13	2-24-13	98.98
4	Biblical Separation	2-24-13	2-28-13	97.77
UNIT 14				
1	Jack Hyles on Justice	3-01-13	3-06-13	98.53
2	Understanding Adversity	3-05-13	3-08-13	95.45
3	The Holy Spirit	3-08-13	3-16-13	96.96
4	God's Fast	3-17-13	3-19-13	96.00
5	The Ten Commandments	3-19-13	3-21-13	99.56
UNIT 15				
1	Teaching on Preaching	3-22-13	3-25-13	100
2	Standing in the Gap	3-25-13	4-7-13	98.80
UNIT 16				
1	Systematic Theology	4-8-13	4-17-13	99.52

I certify the above to be an honest and accurate record of this student's work:

Chaplain J. Davis

Signature

Chaplain

Title, Rank or Position

4/19/13

Date

Mail to: The Foundation Institute
For Biblical Studies
7873 Meadow Ridge Lane
Olive Branch, MS 38654Please remember, in all cases, grades must be received by The Foundation Institute
before any degrees can be granted.



April 13, 2021.

To whom it may concern:

Our organization Good Shepherd Ministries International (GSMI) would like to inform you that our ISOM program, a discipleship and leadership Christian ministry training tool, has been implemented at FCI Fairton, NJ for several years.

Mr. James Hogeland has been part of our alumni since 2014 when he graduated from our Associates program. He continued his studies with ISOM obtaining a Bachelor's Degree in Ministry from Vision International University in 2016. Since then, he became a facilitator of our program helping other Christians to grow in their faith. In addition, Mr. James Hogeland has been teaching 2 classes of 6 and 8 students within the Associates level at his facility.

We can only say that Mr. James Hogeland is a great asset to the Body of Christ and the Kingdom of God by helping other Christians mature in their faith. We believe that many will follow his godly example and achieve significant goals that would help them in their future.

We are grateful for your attention to this letter.

Thank you for your time.

Sincerely,

A handwritten signature in black ink that appears to read "Berin Gilfillan".

Dr. Berin Gilfillan,
Founder and President
Good Shepherd Ministries International

EXHIBIT A-34

BP-S576.052 MONETARY SPECIAL AWARD RECOMMENDATION

DEC 95

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Institution FDC Philadelphia	Unit 7-South	Date 7-17-07
Inmate's Name Hogeland, James	Register No. 59573-066	Work Assignment Inmate Companion-Psych.

Recommend Monetary Special Award in the amount of \$ 100.00

In recognition of the following special act:

- An act of heroism.
- Voluntary acceptance and satisfactory performance of an unusually hazardous assignment.
- An act which protects the lives of employees or inmates, or the property of the United States.
- Suggestions which result in substantial improvements or cost-savings in institutional programs or operations.
- Other exceptionally meritorious or outstanding services.

Justification: Mr. Hogeland volunteered his professional Plumbing skills to assist Fac. Dep't. With suicide/psych. Obs. Room conversion from porcelain to Stainless Steel combination units. This is to reduce the chance of a suicide in these rooms.

Submitted by

Printed Name and Signature
Robert F. MichaelTitle
Maintenance Worker Sup've.

Approved by

Department Head
Timothy P. Kavelak - Facilities Manager

Date

7-18-07

Chief Executive Officer

7-19-07

Regional Director (Awards Exceeding \$150.00)

Award Date

Approved Award Amount
\$

(This form may be replicated via WP)

COPYVERIFIED
1/18/08

EXHIBIT

EXHIBIT F

**Certificate
of
Completion
Compliment
James Hogeland**

James Hogeland, of initial training Suicide Watch Team
completed 4.0 hours of initial training Companion
has completed 4.0 hours of the Inmate Companion
Team of the Mental Health Unit Philadelphia
become a member of the Mental Health Unit Philadelphia
of FDC Philadelphia, March 26, 2007.
on Monday, March 26, 2007.
qualifying him to become a member of the Mental Health Unit Philadelphia

Dana P. Reinhold, PhD
Dana P. Reinhold, PhD
Dana P. Reinhold, PhD
Mental Health Unit Psychologist
Mental Health Unit Companion Team
Coordinator, SEU Inmate Coordinator

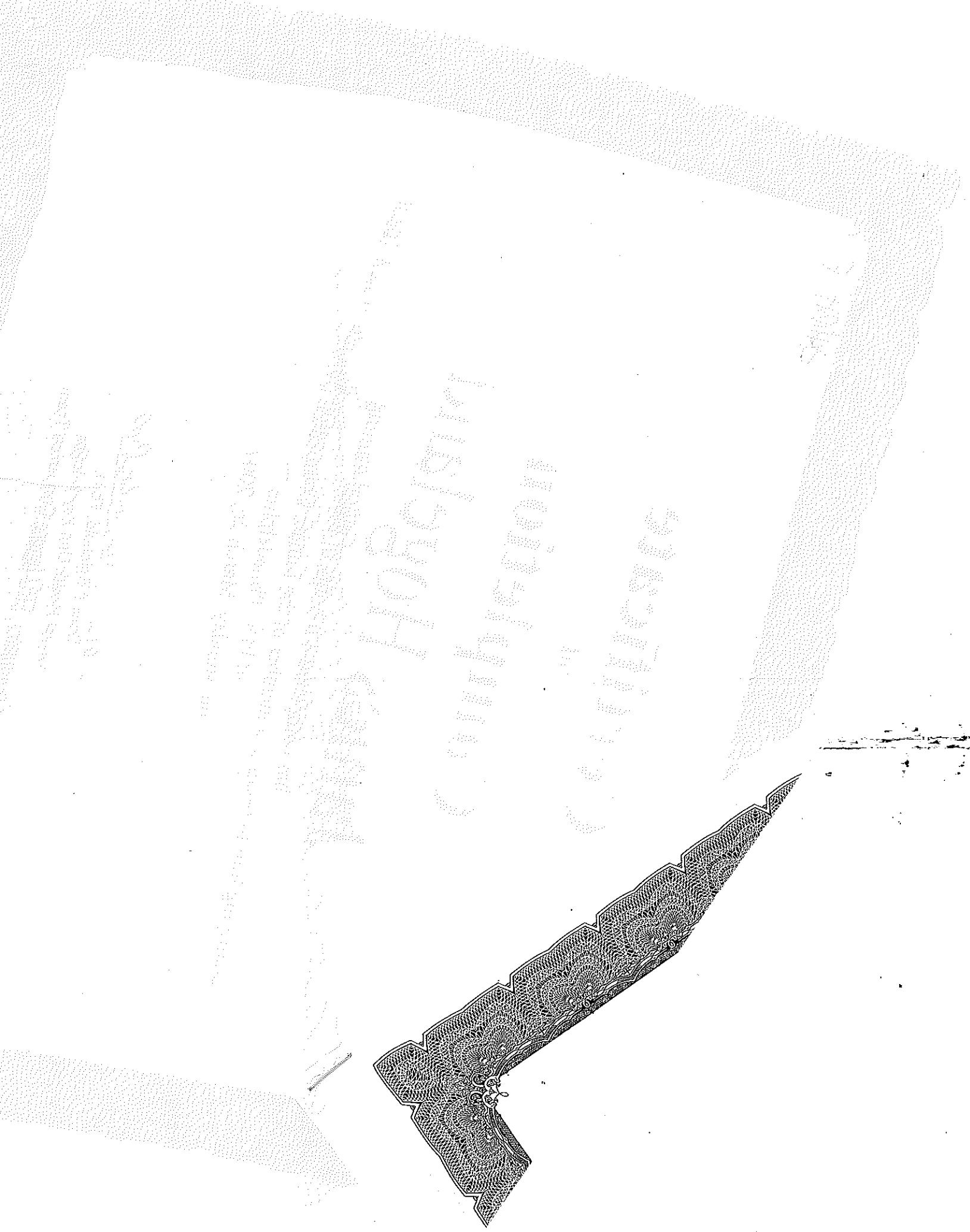


EXHIBIT F.

Certificate

of

Completion

James Hogeland

has completed 4.0 hours of refresher training
qualifying him to continue as a member
of the Inmate Companion Suicide Watch Team
of FDC Philadelphia on Thursday, September 20, 2007.

Dana P. Reinhold, Ph.D.

Dana P Reinhold, Ph.D.
Mental Health Unit Psychologist
Coordinator, SEU Inmate Suicide Watch Companion Team

EXHIBIT A-36



U.S. Department of Justice
Federal Bureau of Prisons

United States Penitentiary
2400 Robert F. Miller Drive
P. O. Box 1000
Lewisburg, PA 17837

DATE: September 20, 2016

TO: All Concerned

FROM: *J. Sage*, J. Sage, Psy.D., Chief Psychologist

SUBJECT: Suicide Watch Companion Team

This is to advise that Inmate James Hogeland, Reg. No. 59573-066, is a member in good standing of the Psychology Services Suicide Watch Companion Team. This team is comprised of 31 inmates who have offered their time to provide visual supervision of inmates placed on suicide watch within the institution and to respond to potentially life-threatening emergencies.

Participation on the team requires demonstration of superior institutional adjustment determined through a screening process by both unit team and custody staff. Following this initial screening, applicants are interviewed by the Chief Psychologist and the final selections are based upon the demonstration of maturity, responsibility and commitment to the well-being of fellow inmates.

Each team member is assigned to one or more four-hour shifts and agrees to be available, without prior notice, at the time a suicide watch is commenced. They participate in a four-hour initial training and agree to quarterly refresher training thereafter.

Please consider the above participation when reviewing this inmate's programming status.

cc: Central File

EXHIBIT A-37

U.S. Dep



Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

Dear Suicide Watch and Mental Health Inmate Companions,

Of the many valuable inmate programs offered by the Bureau of Prisons, the Inmate Companion Program is one of which I am particularly proud. This program is an example of inmates helping inmates. Those of you who participate in this program are contributing to your community by providing support and hope to your peers.

At the same time you are assisting others, you are learning new skills that will support reentry to your communities and reunification with your families. These skills include listening to others, communicating clearly, putting another's needs before your own, and sticking with a job, even when it is challenging; these skills will pay dividends for the rest of your life.

I have great respect and appreciation for the work you do to prevent suicide and support your peers through their darkest moments. Your work, in collaboration with the professional mental health services provided by the Bureau, truly has the power to save lives.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Samuels".
Charles E. Samuels, Jr.
Director

EXHIBIT A-38

Register Number:		59573-066			
Inmate Name:		HOGELAND, James			
MALE RISK ITEM SCORING		CATEGORY	Score	Score	Score
1. Current Age	> 60	0		0	
	51-60	7		4	
	41-50	14		8	
	30-40	21		12	
	26-29	28		16	
	< 26	35		20	
2. Walsh w/Conviction	No	0	0	0	0
	Yes	1	0	0	0
3. Violent Offense (PATTERN)	No	0	0	0	0
	Yes	5	5	0	0
4. Criminal History Points	0 - 1 Points	0		0	
	2 - 3 Points	8		4	
	4 - 6 Points	16		8	
	7 - 9 Points	24		12	
	10 - 12 Points	32		16	
	> 12 Points	40		20	
5. History of Escapes	None	0		0	
	> 10 Years Minor	2		1	
	5 - 10 Years Minor	4		2	
	< 5 Years Minor/Any Serious	6		3	
6. History of Violence	None	0		0	
	> 10 Years Minor	1		1	
	> 15 Years Serious	2		2	
	5 - 10 Years Minor	3		3	
	10 - 15 Years Serious	4		4	
	< 5 Years Minor	5		5	
7. Education Score	5 - 10 Years Serious	6		6	
	< 5 Years Serious	7		7	
	Not Enrolled	0		0	
	Enrolled in GED	-2	-4	-1	-2
8. Drug Program Status	H.S Degree / GED	-4		-2	
	No DAP Completed	0		0	
	NRDAP Complete	-3	-9	-1	-3
	RDAP Complete	-6		-2	
9. All Incident Reports (120 months)	No Need	-9		-3	
	0	0		0	
	1	1		1	
	2	2		2	
10. Serious Incident Reports (120 months)	> 2	3		3	
	0	0		0	
	1	2		2	
	2	4		4	
11. Time Since Last Incident Report	> 2	6		6	
	12+ months or no incidents	0		0	
	7-12 months	-2		1	
	3-6 months	4		2	
12. Time Since Last Serious Incident Report	< 3	6		3	
	12+ months or no incidents	0		0	
	7-12 months	1		2	
	3-6 months	2		4	
13. FRP Refuse	< 3	5		6	
	NO	0		0	
14. Programs Completed	YES	1	0	1	0
	0	0		0	
15. Work Programs	1	-2		-1	
	2 - 3	-4		-2	
	4 - 10	-6		-3	
	> 10	-8		-4	
Total Score (Sum of Columns)		General:	1	Violent:	2
General/Violent Risk Levels		General:	Minimum	Violent:	Minimum
Overall Ultimate PATTERN Risk Level				Minimum	

EXHIBIT A-39

Honorable Judge Paul Diamond

I thank God that I am before you once again, and I pray that the impact that you have made in my life comes across in this letter/motion. I know that ultimately the only thing I can do to change the past is to continue to work on positive changes for the future.

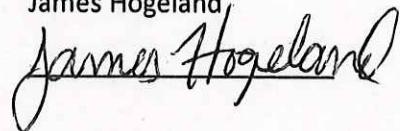
I realize the destructive nature of my actions and am remorseful and repentant of them. How the reprocussions of them affected more people than I ever imagined. How selfish, immature, and unthoughtful they truly were.

I have accepted and impart a completely different way of thinking and living now, and refuse to allow anything different for myself and others in my life. I believe all this has been a training ground as I see what is going on in the city I love and also in the world. We are in 'Dire Straights' and serious changes need to be addressed.

My intentions are to continue to try to touch lives in the midst of lifes adversities, wherever that may be. I am wholeheartedly thankful for any and all concideration that I may receive and welcome whatever Your Honor decides.

Respectfully

James Hogeland

A handwritten signature in black ink that reads "James Hogeland". The signature is fluid and cursive, with "James" on top and "Hogeland" on the bottom, slightly overlapping.

PRIORITY MAIL 1-DAY®

0 Lb 13.1 OZ
1021

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FROM:
James Hogeland 51573-066
FEDERAL CORRECTION INSTITUTE
P.O. BOX 420 FAIRTON, N.J.
08320

TO:

CLERK OF COURT
U.S. DISTRICT COURT
601 MARKET ST.
EASTERN DISTRICT OF PA.
PHILA. PA. 19106